

Date Certified to Serve	Board Member Name	County Member Represents	Board Member Employer, Organization
6/3/2019	Rita Alexander	Gibson	Gibson Electric Membership Corp
1/24/2023	Janet James	Henry	Henry County Medical Center
6/3/2019	John G. Castellaw	Crockett	Farmspace Systems LLC
6/3/2019	R. Keith Cursey	Weakley	Stanley, Black & Decker
6/3/2019	Brad Hurley	Carroll	Carroll County Trophies
9/13/2019	Randy S. Shannon <b>**Interim LEO**</b>	Benton	Shannon Office of Law
6/3/2019	Ben Marks	Benton	Mark's Building Materials
6/3/2019	Kristy Mercer	Gibson	Ceco Door
6/3/2019	Ted Piazza <b>--VICE CHAIR--</b>	Gibson	Rack - IT Industries
1/14/2022	Kelly Buffington	Henry	Four Seasons Sales and Service
2/27/2023	JD (Jason) Cantu	Lake	Fast Pace Health/Reelfoot Family Walk-In Clinic
6/3/2019	Jimmy Williamson <b>-- BOARD CHAIR --</b>	Dyer	Aztec Pest Control
11/15/2022	Lori Burdine	Dyer	ERMCO Inc.
10/29/2019	William Eddie White	Henry	United Auto Workers Local 9025
6/3/2019	Jon Dougherty	Dyer	Amteck
2/4/2020	Amy McDonald	Dyer	Tennessee Homeless Solutions
10/30/2018	Lindsay Frilling	Obion	Union City Boys and Girls Club
3/28/2022	AJ Douglas	Weakley	Weakley County Schools
6/3/2019	Landy Fuqua	Weakley	University of TN at Martin Reed Center
1/29/2021	Melinda Goode	Weakley	Northwest Tennessee HRA
2/16/2022	Randa Hardin	Crockett	Crockett County Chamber of Commerce
10/30/2018	Kristie Bennett	Carroll	Tennessee Department of Labor and Workforce Development
10/30/2018	David Parrish	Henry	Tennessee Department of Human Services
2/27/2023	Paul Murphy Jr.	Carroll	USW Local 8915
12/2/2020	Willie Huffman	Carroll	TCAT Paris
5/4/2021	Monica Heath	Carroll	McKenzie Chamber of Commerce and Industry
11/18/2021	Sam Sinclair	Obion	Excel Boats

## Northwest Tennessee Workforce Board

May 23, 2023—10:00 am

NW Development District / HRA, 124 Weldon Drive, Martin, TN / Zoom

### Minutes

**Board Members Attending in Person:** Jimmy Williamson, Ted Piazza, Paul Murphy, Jr., Monica Heath, Ben Marks, Landy Fuqua, Melinda Goode, Lori Burdine, David Parrish, JD Cantu, Jon Dougherty, A.J. Douglas, Kelly Buffington, Kristie Bennett, Brad Hurley; **Via Zoom:** Janet James, Kristy Mercer, Keith Cursey

**Local Elected Officials Attending:** Mayor John Penn Ridgeway **via Zoom:** Mayor Joseph Butler

**Committee Members Attending in Person:** Justin Crice, Sherry Fowler; **Via Zoom:** Ronnie Gunnels, Tessa Kyle;

**Staff and Contractors Attending in Person:** Jennifer Bane, LeAnn Lundberg, Erica Nance (OSO), Jeannie Mathis (CSP), Dr. Scott Cook (CSP); **Via Zoom:** Lana Burchfiel, Ginger Powell, Laura Speer, Derrick Quinn, Catherine VanDyke, James Starnes (OSO)

**Other Guests Attending in person:** Shalondria Shaw; **Via Zoom:** Rachel Rogers

**Welcome/Business Meeting:** Jimmy Williamson welcomed all members and guests to the meeting. He then called the business meeting to order, acknowledged that a quorum was present, and reminded members to abstain from discussion and voting in the event of a conflict of interest.

**Approval of Minutes:** The minutes of the 2/28/23 Board meeting were presented for review.

- **MOTION: A motion to approve the 2/28/23 Board minutes as presented was made by Mayor Ridgeway and seconded by Ted Piazza. All were in favor and the motion carried.**

**Committee Reports and Action Items:** All committee reports were provided to the Board ahead of time and are included in the attached handouts.

American Job Center (AJC) Committee Report: Lori Burdine provided an overview of the attached report of the meeting on 4/25/23 and the related dashboards. The below policy changes were presented for discussion and questions prior to voting:

- **Conflict of Interest Policy:** A change of definition of “family member” per state policy.
- **Work-Based Training Policy:** A note was added to the Incumbent Worker Training (IWT) section regarding the required percentage of trainees. This has been the standard practice but has not officially been in the policy. A section has been added for pre-apprenticeship funding as a formal policy has not been in place. The proposed policy primarily matches the same process used for IWT contracts, but also includes the requirement that programs be certified by the TN Office of Apprenticeship. The Work-Experience for Adults and Dislocated Workers section was amended to allow all age ranges, not just youth-aged, to participate in Work Experience under special grants, such as National Dislocated Worker Grants. Formula funds would still be reserved for youth-aged participants.
  - **MOTION: A motion to approve the changes to the Work-Based Training Policy as presented was made by Mayor Ridgeway and seconded by Landy Fuqua. All were in favor and the motion carried.**

Outreach and Opportunity Committee Report: Ben Marks provided an overview of the attached report of the meeting on 4/25/23 and the related dashboards. Jennifer Bane noted that Manufacturing Day participation numbers are down due to more in-person events. We reach more with virtual, but in-person is more desirable. There were no action items.

Executive Committee Report: Ted Piazza provided an overview of the attached report of the meeting on 4/26/23 and the related dashboards. The below items were presented for discussion and questions prior to voting:

- **Program Year (PY) 2023 Budget:** Formula allocations are down nearly \$217,000, but about \$683,000 is being added to the budget with the TANF/GROWWTH. Only about \$513,000 will be available for participants, which would result in only a 32% minimum participant cost rate (MPCR). An additional \$229,000 in participant funding would need to be requested to reach a 40% MPCR.
  - **MOTION: A motion to approve the PY 2023 budget as presented was made by Mayor Ridgeway and seconded by David Parrish. All were in favor and the motion carried.**

- One-Stop Operator Selection: Two bids were received for both NW and SW from Mid-Cumberland Human Resource Agency (MCHRA) and the University of Tennessee Center for Industrial Services (UT CIS). MCHRA had an average score among the three TPMA reviewers that was 5.03 points higher than the UT CIS average score and was recommended to be the OSO contractor.
  - **MOTION: A motion to select MCHRA as the One-Stop Operator as presented was made by Kelly Buffington and seconded by Ben Marks. All were in favor and the motion carried.**
- Revision to the Bylaws: Proposed changes are indicated in red in the attached handout. The majority of changes included updates and additional details to describe processes as required in the State's revised Local Governance policy. The majority definition for private-sector representatives was changed to "defined as the greater sum of the whole (largest percentage)" to match the State's policy, but it is recommended that 51% still be the goal. The requirements for the Vice-Chair for the AJC and Outreach & Opportunities Committee and the Regional Representative for the Board of Directors were updated to include representatives of a labor organization, apprenticeship program, or economic and community development entity in addition to a private business in order to expand those eligible to serve.
  - **MOTION: A motion to approve revisions to the bylaws as presented was made by Kelly Buffington and seconded by Kristie Bennett. All were in favor and the motion carried.**
- Partnership Agreement Rescission: The State's revised Local Governance policy removes the requirement to have a separate partnership agreement between the mayors and board as the majority of items are already covered in the Bylaws and Interlocal Agreement.
  - **MOTION: A motion to rescind the Partnership Agreement as presented was made by Lori Burdine and seconded by Landy Fuqua. All were in favor and the motion carried.**

#### **Other Business and Updates:**

- New Eligible Training Provider List (ETPL) Programs: Dyersburg State Community College submitted two new programs for the ETPL - Basic Emergency Medical Technician (EMT) and Advanced EMT Certificates. Both certificates are embedded in the currently approved Associate Degree program. Each certificate takes one semester / 16 credit-hours to complete. It was noted that programs are open to anyone, not only residents of certain counties.
  - **MOTION: A motion to approve the Basic and Advanced EMT programs as presented was made by Ted Piazza and seconded by Mayor Ridgeway. All were in favor and the motion carried.**
- Other: Jennifer Bane informed the group that funding is being received for a Summer Youth Employment Program (SYEP). The majority of funding will be effective 7/1/23 and is state funding, so the eligibility requirements are much less restrictive than the typical WIOA requirements. Additional information will be shared soon.

**Strategic Discussions:** Jennifer Bane reviewed the attached PowerPoint outlining the results of the survey regarding labor force participation rates (LFPR). The survey was shared with Board members, Mayors, partners, chambers, and other employers and 89 responses were received. Meeting attendees then divided into small groups to discuss possible solutions for the top ten barriers to increasing LFPRs as identified by survey respondents. Afterwards each group provided a brief summary of their discussion and several action items were identified for further consideration:

- Group 1 – Fear of losing public assistance benefits; Lack of work experience: Increase sharing of success stories within the AJCs and on social media to highlight customers' accomplishments and allow funding to be used for career advancement in addition to entry-level jobs.
- Group 2 – Desiring higher wages reducing interest in low-paying jobs; Transportation: Define what is considered a low wage, possibly utilizing ALICE data, provide transportation stipends and possibly other supportive services for up to a year for those in low wage positions, research benefits cliffs to assist customers with identifying when higher wages may impact benefits.
- Group 3 – Fewer people of working age looking for employment; Justice-Involvement: Offer additional training and assistance for human resources professionals, such as use of alternate work schedules and scaled benefit packages, promoting childcare assistance and pathways, and increasing number of short-term credentials.

- Group 4 – Substance abuse; Increased dependent care needs: Expand partnerships with organizations serving this population and try to streamline processes between organizations, provide education and resources to families, partnering with Small Business Development Centers and Department of Human Services to assist existing and new owners of childcare businesses, and work with other agencies, such as TN Economic & Community Development (ECD) to connect owners with funding opportunities.
- Group 5 – Higher UI benefits; Higher pace of retirements due to an aging population: Focus on succession planning and possibly having retirees working part-time schedules.

It was also noted that a similar survey geared towards individuals would be beneficial to better understanding the barriers they face for entering and retaining employment. The importance of working with other agencies and partners was also noted as the Board and its staff do not have the resources or capacity to address all issues on their own. Jennifer Bane asked for anyone who is interested in serving on a LFPR taskforce to please let her know.

**Future Meeting Dates & Upcoming Events:** Upcoming meeting dates and events were listed on the agenda included in the handouts were reviewed.

Respectfully submitted,

Lana Burchfiel  
Public Information Specialist

**Northwest Tennessee Workforce Board  
May 23, 2023 –10:00 am**

NW Development District / HRA  
124 Weldon Drive  
Martin, TN

[Join Zoom Meeting](#)  
Meeting ID: 827 3178 4704  
Passcode: 497839

**Agenda**

**Welcome & Call to Order**

Jimmy Williamson, Chair, NWTNWB

***Acknowledge Quorum/Conflict of Interest***

**Approval of Minutes of February 28, 2023 Meeting (Vote Required)**

**Committee Reports & Action Items**

American Job Center Committee Report

Rita Alexander, Chair

- Policy Changes **(Vote Required)**
  - Conflict of Interest Policy
  - Work-Based Training Policy

Outreach and Opportunities Committee Report

Ben Marks, Chair

Executive Committee Report

Ted Piazza, Chair

- Program Year 2023 Budget **(Vote Required)**
- One-Stop Operator Selection **(Vote Required)**
- Revisions to the Bylaws **(Vote Required)**
- Partnership Agreement Rescission **(Vote Required)**

**Other Business & Updates**

Jimmy Williamson

- New ETPL Programs: Basic and Advanced EMT Certificates, Dyersburg State **(Vote Required)**
- Other

**Strategic Discussions**

Margaret Prater, Workforce Consultant

- Survey Results
- Small Group Discussions
- Takeaways & Action Items

**Future Meeting Dates & Upcoming Events**

<i>Meeting / Event</i>	<i>Date and Time</i>	<i>Location</i>
Virtually Speaking Webinar: Addressing Workforce Childcare Challenges	June 1 <sup>st</sup> , 9:00 am	Zoom
Future 2023 Board Meetings	August 22 <sup>nd</sup> , (annual / joint meeting with SW), November 28 <sup>th</sup>	TBD / Zoom
Future Virtually Speaking Webinars	September 7 <sup>th</sup> , and December 7 <sup>th</sup> , 9:00 am	Zoom

***Developing a quality workforce system to meet the needs of area employers and jobseekers.***

## Northwest Tennessee Workforce Board

February 28, 2023—10:00 am

Milan Chamber of Commerce, 1069 S. Main Street, Milan TN / Zoom

### Minutes

**Board Members Attending in Person:** Jimmy Williamson, Ted Piazza, Paul Murphy, Jr., Monica Heath, Ben Marks, Brad Hurley, Rita Alexander, JD Cantu, Kristy Mercer; **Via Zoom:** Lindsay Frilling, A.J. Douglas, David Parrish, Kristie Bennett, Janet James, Lori Burdine, Jon Dougherty, Kelly Buffington, Keith Cursey, Landy Fuqua

**Local Elected Officials Attending via Zoom:** Lake County Mayor Danny Cook

**Committee Members Attending in Person:** Sherry Fowler; **Via Zoom:** Ronnie Gunnels

**Staff and Contractors Attending in Person:** Jennifer Bane, Ginger Powell, Laura Speer, LeAnn Lundberg **Via Zoom:** Lana Burchfiel, Gina Johnson, Derrick Quinn, Terry Williams, Catherine VanDyke, Kena Hamm, James Starnes (OSO), Connie Stewart (CSP), Dr. Scott Cook (OSO)

**Other Guests Attending in person:** Tessa Kyle; **Via Zoom:** Amy Maberry, Kayce Beam, Rachel Rogers, Blake Swaggart

**Welcome:** Jimmy Williamson welcomed all members and guests to the meeting and acknowledged special guests attending. He also welcomed new board members:

- JD (Jason) Cantu, Regional Director, Fast Pace Urgent Care
- Lori Burdine, Training, Development & Communications Manager, ERMCO Inc.
- Janet James, Director of Human Resources, Henry County Medical Center
- Paul Murphy Jr., President, USW Local 8915 (Allegion)

**Strategic Local Workforce Boards Presentation:** Amy Maberry, JD, Workforce Services-Director of Staff Management and Strategic Planning shared the attached presentation on Strategic Vs. Tactical in the Local Workforce Board. Amy explained the local workforce board has four roles: the strategist, the manager, the convener, and the optimizer. The strategies come first, then look at tactics (such as creating policies). If the board is focusing on strategy, then the board staff should be focusing on the tactics. She suggests looking at the structure of the board meetings to focus on strategy – connecting meetings to vision, mission, and goals, transforming long-term committees into short-term “task forces” focused on strategic goals and priorities, using dashboards, and including strategic discussion as the first item for discussion, since it should be the primary focus and main goal.

**Business Meeting:** Jimmy Williamson called the business meeting to order, acknowledged that a quorum was present, and reminded members to abstain from discussion and voting in the event of a conflict of interest.

**Approval of Minutes:** The minutes of the 11/15/22 Board meeting were presented for review.

- **MOTION: A motion to approve the 11/15/22 Board minutes as presented was made by Brad Hurley and seconded by Ted Piazza. All were in favor and the motion carried.**

**Meeting Reports:** All committee reports were provided to the Board ahead of time and are included in the attached handouts.

American Job Center (AJC) Committee: Rita Alexander provided an overview of the attached report of the meeting on 1/24/23 and the related dashboards. There were no items up for vote.

Outreach and Opportunity Committee: Ben Marks provided an overview of the attached report of the meeting on 1/24/23 and the related dashboards. The below items were presented for discussion and questions prior to voting:

- Eligible Training Provider List (ETPL) Updates: Details of the performance of the programs due for renewal and the related labor market information is included in the handouts. The committee recommends the renewal of the existing programs for the ETPL, and the approval of a new Criminal Justice Program at TCAT Paris, as listed on the attached handout.

- **MOTION: A motion to approve the new Criminal Justice Program at TCAT Paris was made by Ben Marks and seconded by Rita Alexander. All were in favor and the motion carried.**
- **MOTION: A motion to approve renewal of the ETPL programs as presented was made by Ben Marks and seconded by Ted Piazza. All were in favor and the motion carried.**

Executive Committee: The 1/25/23 committee meeting report and related dashboard were provided ahead of time to the Board. Ted Piazza noted two items up for a vote, including Administrative Policy changes and the American Job Center certifications as shown in the attached handouts.

- **MOTION: A motion to approve the Administrative Policy changes as presented was made by Ted Piazza and seconded by Brad Hurley. All were in favor and the motion carried.**
- **MOTION: A motion to approve the American Job Center certifications as presented was made by Ted Piazza and seconded by Ben Marks. All were in favor and the motion carried.**

**Other Business:** Jennifer Bane presented the attached list of Workforce Board Acronyms.

**Future Meeting Dates & Upcoming Events:** Upcoming meeting dates and events as listed on the agenda included in the handouts were reviewed.

Ted Piazza added that in the last committee meetings it was discussed that the Board has been very good at the nuts and bolts and has become very efficient. We have lost discussion by not all being in person, which in turn has hurt our ability to set our own agenda and develop innovative programs. Jennifer Bane added that having an annual in-person only strategy meeting, possibly in conjunction with the May or August Board meeting, had been discussed. Ted feels like May might be better. Jennifer would like to spend the majority of the time working on innovative practices to address workforce issues, rather than identifying those issues, such as childcare and transportation, so a brief survey may be sent out in advance to compile goals and priorities.

Respectfully submitted,

Lana Burchfiel  
Public Information Specialist

## **American Job Services (AJC) Committee Report – Rita Alexander, Chair/ Lori Burdine, Vice Chair**

The AJC Committee met on April 25<sup>th</sup> with nine members along with staff, contractors, and one guest participating.

American Job Center Services Report: One-Stop Operator (OSO), Erica Nance, presented the AJC Services Report for January – March 2023 which details AJC traffic counts, visit reasons, and customer survey results, and estimated results for the quarterly Key Performance Indicator (KPI) goals. Final KPI results have since been received from the TDLWD and are included on the attached AJC Services report. Regarding the off-target measures, Jennifer Bane mentioned that these were quarterly goals and not annual goals. The State staff have primarily looked at the state as a whole to see if all areas are collectively meeting the goals. Erica mentioned that the justice-involved numbers were increased with the Mobile AJC going into jails during this Second Chance Month. She also visited access points this quarter and conducted a training at the Gibson County Memorial Library access point.

Workforce Services Report: Gina Abbott, TN Dept. of Labor & Workforce Development (TDLWD) Workforce Services Assistant Director for West TN, also gave a report on local staff for the Workforce Services division of the TDLWD. They are looking at adding a consolidated Veterans staff position – Disabled Veterans Outreach / Local Veterans Employment Representative. We have a representative in Dyer County, and they plan to put a second position in Huntingdon to help cover the 9-county area. The Team Lead position in Dyersburg has been posted. Benny Roberts is covering the whole area until that position is filled. April was Second Chance month, so there were several related events in the AJCs. The West TN event hosted by the Office of Reentry was held in Jackson and included an expungement clinic that served 57 individuals. Resource and job fairs for justice-involved individuals were also held in Dyersburg and Huntingdon. Ready For Industry (RFI), a program purchased by TBR is being shared with the TN Department of Labor to utilize in the AJCs. The program presents customers with an interactive and hands-on experience within healthcare, logistics, service, manufacturing, and construction careers, in order to help steer them in the direction of a career.

Career & Training Services Report: Jennifer Bane presented the attached Career and Training Services Report detailing cumulative enrollments as of March, percentage of priority Adult enrollments, a breakdown of Individual Training Account (ITA) enrollments by sector and provider, and total ITA investments by provider for all participants this program year. Enrollments are still occurring throughout all nine counties, but priority Adult numbers are still low as expected. The majority, 54%, of new enrollments are still at TCATs, but the majority of funding, 50%, is spent at private providers since they don't usually qualify for other scholarships, and we pay the majority of the costs.

Business Services Report: Ginger Powell, Deputy Director, presented the attached Business Services Report detailing the cumulative On-the-Job Training (OJT) contracts and enrollments as of March, the completion rate, and the breakdown of number trained by sector. Virtually Speaking webinars held were noted and recordings are available on the website. The next webinar is scheduled for June 1<sup>st</sup> and will address childcare challenges. EMSI is now known as Lightcast and staff continue to produce reports frequently. Incumbent Worker Training (IWT) numbers were added to the report. All IWT money is now obligated, and we have a waiting list for any de-obligated funds. We have a good mix of contracts across several counties and sectors including manufacturing, healthcare, banking, etc. Funds must be spent by June 30<sup>th</sup>.

Policy Changes: Jennifer Bane presented the below policy changes outlined in red text in the attached handouts.

- *Conflict of Interest Policy:* Changed definition of "family member" per State policy change.
- *Work-Based Training Policy:* A note was added to the IWT section regarding the required percentage of trainees. This has been the standard practice but has not officially been in the policy. A section has been added for pre-apprenticeship funding as a formal policy has not been in place. The proposed policy primarily matches the same process used for IWT contracts, but also includes the requirement that programs be certified by the TN Office of Apprenticeship. The Work-Experience for Adults and Dislocated Workers section was amended to allow all age ranges, not just youth-aged, to participate in Work Experience under special grants, such as National Dislocated Worker Grants. Formula funds would still be reserved for youth-aged participants.

**The committee recommends the policy changes as presented on the attached handouts (Vote Required).**



# American Job Center Services

## Customer Visits

Carroll 1,367

Dyer 503

Weakley 97

**1,967**  
Visitors Received  
PY22 Q3

**4,436**  
Visitors to Date  
PY22

**AmericanJobCenter**  
TENNESSEE

## SURVEY RESULTS

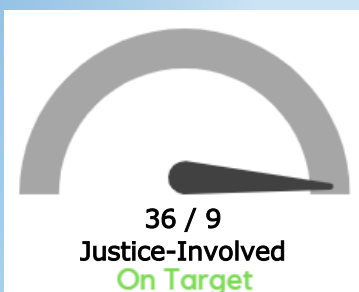
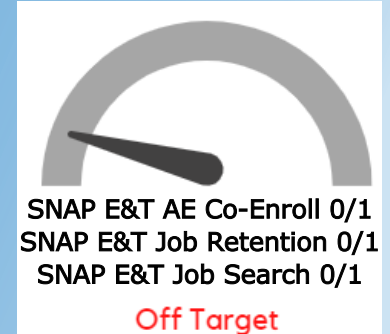
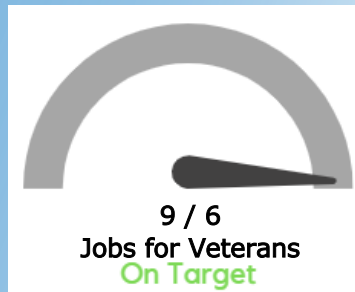
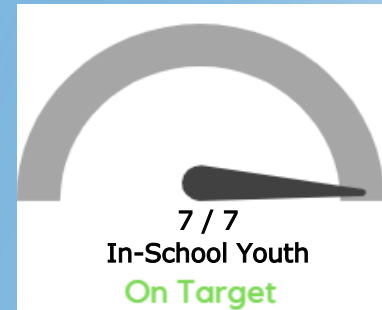
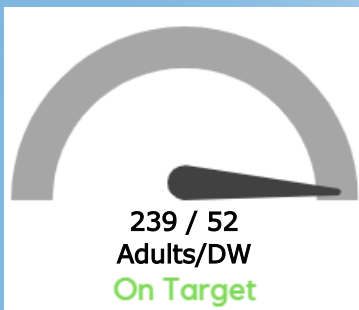
Overall, 89% of customers (25 out of 28) answered "Completely Satisfied" with our services!

## TOP 5 REASONS FOR VISIT

1. Job Search/Resource Room
2. Unemployment
3. Networking Events
4. Title I Career Coaching
5. Job Search Assistance

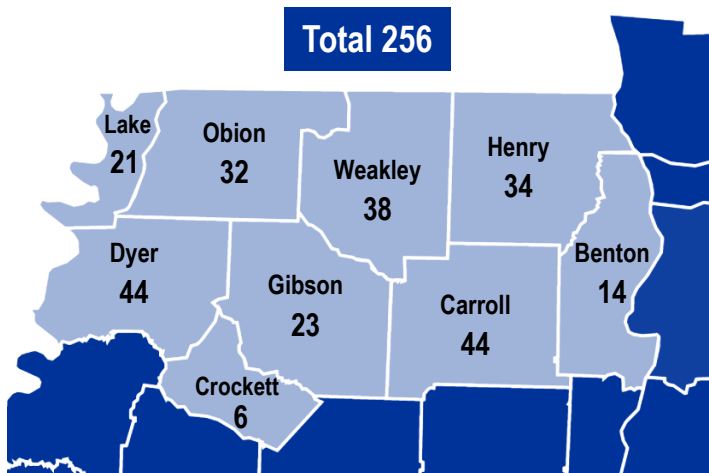
**3,764** Services Provided

## Key Performance Indicator Results

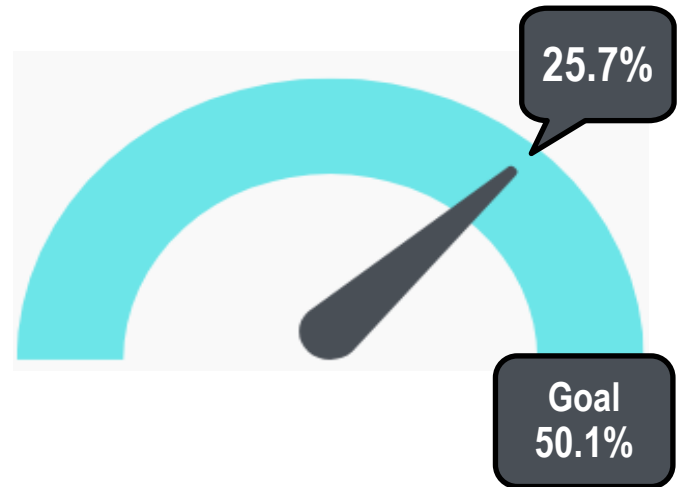


# Training Services

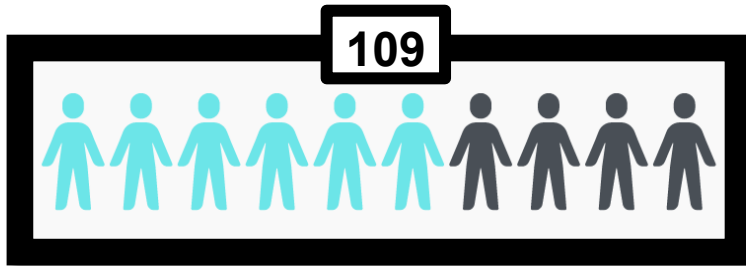
## Total Enrollments by County



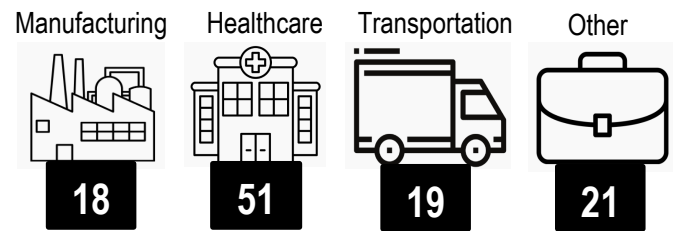
## Priority Percentage of New Adult Enrollments



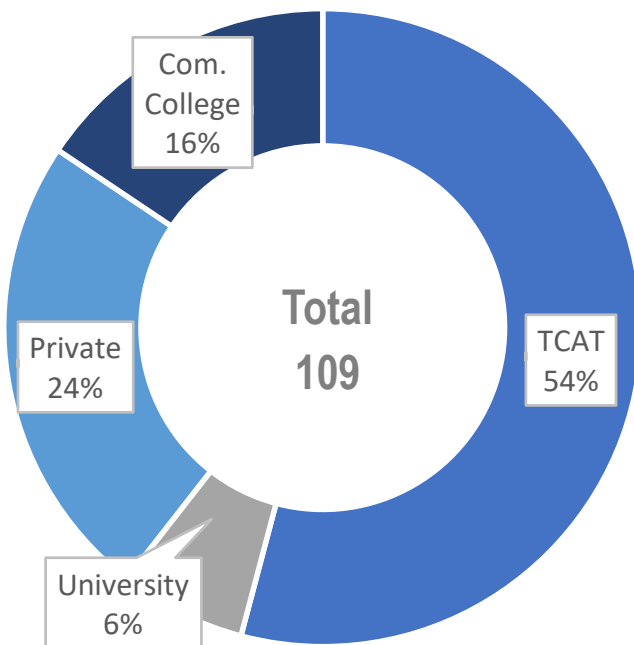
## ITA Enrollments



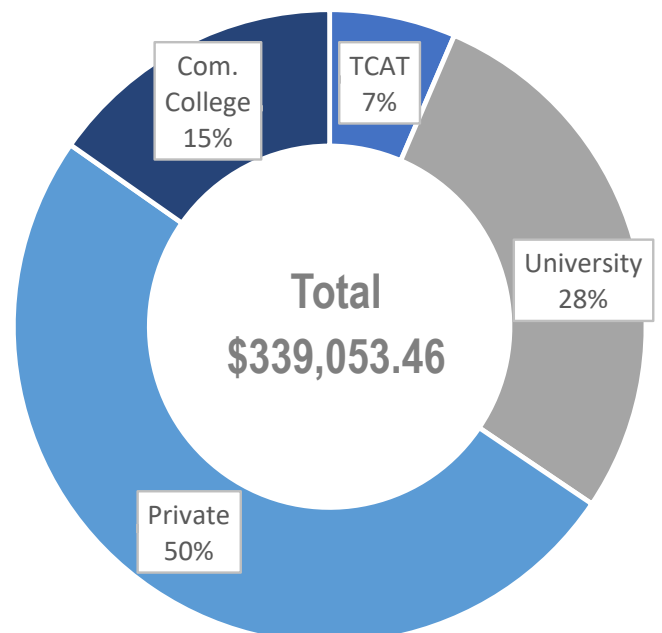
## ITAs By Sector



## New ITAs By Provider

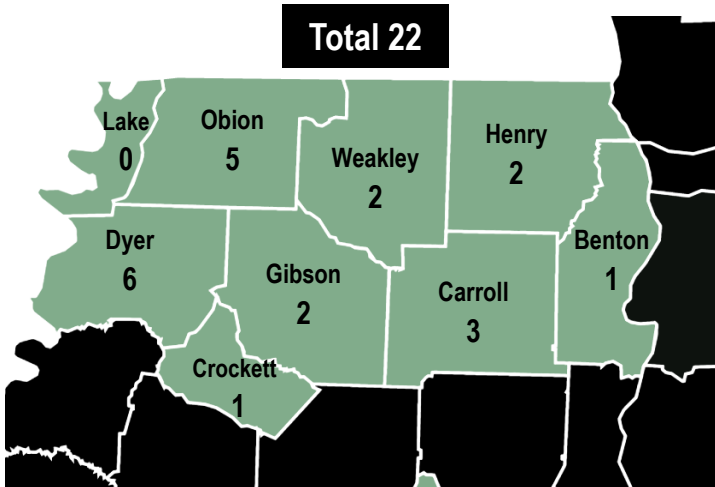


## Total ITA Investment by Provider

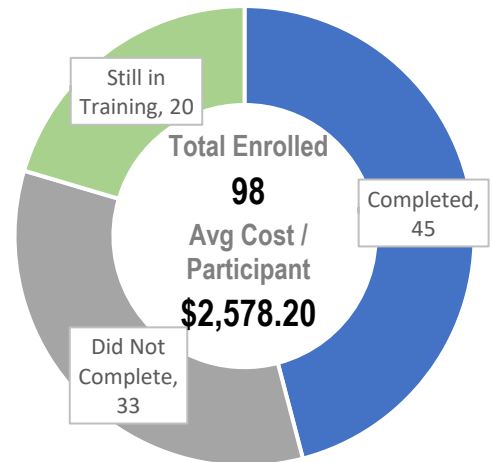


# Business Services

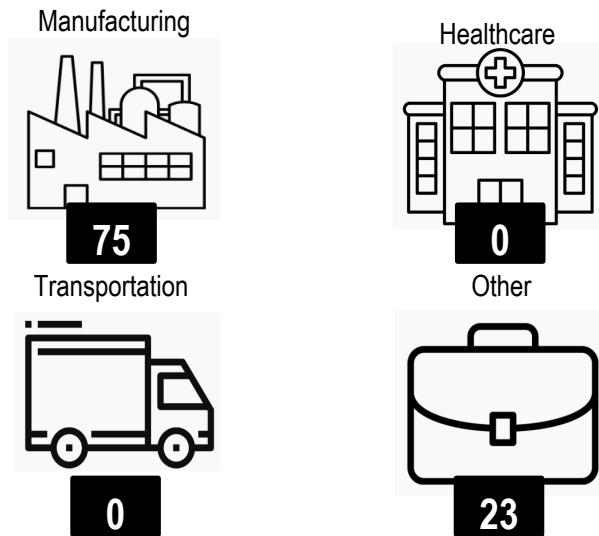
## OJT Employers by County



## On-the-Job Training Participants



## Trained by Sector



## Virtually Speaking Webinars



- ✓ Betting on Talent: Maximizing Impact of Employee Engagement
- ✓ Substance Abuse Awareness: Changing the Narrative of Addiction in the Workplace
- ✓ Building Your Workforce through Partnerships in Work-Based Learning

All webinars are recorded, and may be found by scanning the QR code, or on our website at <https://nwtjobs.org/employers/virtually-speaking>.



**49 Reports  
Produced**



Economy Overviews

Education Reports



Industry Reports

Occupation Reports

## INCUMBENT WORKER TRAINING PROGRAM

**15**  
Total Contracts  
Awarded

**309**  
Proposed  
to Train

**\$255,440.97**  
Amount of Funding

## Conflict of Interest (Service Delivery)

**Effective Date:** May 23, 2023

**Duration:** Indefinite

**Purpose:** To ensure that individuals or representatives of organizations entrusted with public funds will not personally or professionally benefit from the award or expenditure of such funds. This policy is established to provide direction for sub-recipients, contractors, staff and board members of the LWDA to prevent actual, potential or questionable conflicts of interest. The LWDA shall also ensure training concerning internal conflicts of interest for any entities directly involved with making assessments and determining the eligibility of participants. Documentation of training must be maintained and made available for review and audit purposes.

**Policy:** The following entities will not provide direct service during the intake or eligibility determination of a family member or close acquaintance. No workforce staff or member will have a personal or business relationship with, or a positive bias for, or a special interest in, that particular applicant. Such workforce members are:

- Local Workforce Development Board members
- Local Workforce Development Board subcommittee members
- Chief Local Elected Officials
- WIOA executive staff and supervisors
- WIOA employees
- AJC partner staff
- WIOA sub-recipients and/or contractors

The Workforce Innovation and Opportunity Act (WIOA) eligibility/intake forms must include the following disclosure statement for the customer and the certifying individual to sign:

Customer - My signature is a declaration that I am not related to, nor have a close personal acquaintance to the workforce staff member (Local elected officials, LWDB members, LWDB subcommittee members, WIOA executive staff and supervisor, WIOA employees, job center partner staff and WIOA sub-recipients and / or contractors) determining my eligibility for Workforce Innovation and Opportunity Act funding.

Certifying Individual - I understand my signature on this form is a declaration that I am a member of workforce staff (Local elected officials, LWDB members, LWDB subcommittee members, WIOA executive staff and supervisor, WIOA employees, job center partner staff and WIOA sub-recipients and/or contractors) and the customer I am determining eligibility and /or services for is not a relative or close personal acquaintance.

For the purpose of this policy, relative will be considered a parent, **step-parent, or** parent-in-law, child, **including step child or adopted child**, spouse **or partner**, brother, **including step, half or** foster brother, sister, **including step, half or** foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, **aunt, uncle, cousin**, or other family member who resides in the same household. A close personal acquaintance is defined as a personal friend, personal friend's spouse or children, boyfriend / girlfriend and their children, and church or neighbors with whom you have a close relationship.

This policy does not prohibit the applicant from receiving services for which they are eligible. Should an applicant be related to, or a close personal acquaintance of, a workforce member staff, the applicant shall be referred to another staff person in the area for determination of eligibility, enrollment, services, and case management.

Further, any grant recipient or sub-recipient receiving WIOA funds through the LWDB shall ensure that no individual in a decision-making capacity engages in any activity if a conflict of interest is involved, even in perception of impropriety of a conflict of interest. This includes decision-making that involves the selection, awarding, or administering of a grant, sub-grant or contract by WIOA funds.

Conflict of interest forms will be signed and returned to staff annually each year, or as a new board/committee member/staff/contractor becomes part of the Workforce System in the Local Workforce Development Area. Signed copies of the Conflict of Interest will be kept on file in the LWDB office.

**Reference:** Title I of WIOA, Pub. L. 113-128; WIOA Section 107(c)(3)(A)(i); 20 CFR 683.400(c); 20 CFR 679.430; 20 CFR 679.410(a)(3) and 20 CFR 679.410(c); 20CFR 684.630(b)-(c); 29 CFR 97.36(b)(3); 20 CFR 683.200(c)(5)(i-iii) reference to 2 CFR 200.318.

**Related TDLWD Policy:** Workforce Services Policy – Conflict of Interest TN-WIOA (17-2)

**Vetted and Approved by the Local Workforce Development Board:** May 23, 2023

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Jimmy Williamson, Chairman  
Northwest Tennessee Workforce Board

## Work-Based Training

**Effective Date:** May 23, 2023

**Duration:** Indefinite

**Purpose:** To establish policy and guidance for the offering of work-based learning activities with WIOA funding.

**Policy:** The Local Workforce Development Board (LWDB) offers various opportunities for Work-Based Learning, including On-the-Job Training, Work Experience, Transitional Jobs, Apprenticeships and Incumbent Worker Training. The Regional Planning Council, which includes members of the core partners as well as other partners, identifies regional and local in-demand and emerging sectors using available labor market data, strategy meetings, and other data gathering methods. Workforce efforts, including Work-Based Learning, are then focused on identified sectors through services available in the AJC. For instance, manufacturing and healthcare are two of the most prominent sectors in the area, therefore On-the-Job Training (OJT) and Incumbent Worker Training (IWT) grants are heavily concentrated in these areas. The LWDB strives to continually increase employer penetrations rates and will serve as many employers as possible based on employer hiring needs and availability of funding.

The LWDB strives to utilize a significant amount of funding allocated to local area through formula program funds and / or specialized funding such as Consolidated Business Grants (CBGs) to provide work-based learning opportunities. Appropriate support services, as described in the Supportive Services policy in this document, may be used in combination with work-based training as prescribed below and in accordance with the needs of participants.

### *Outreach to Employer Community*

In order to promote and strategize the availability of Work-Based Training, understanding and meeting the needs of employers is given the utmost importance and is achieved through a collaboration of partners serving on the Business Services Team, such as Labor Exchange, Veterans Programs, Trade Act, Re-Employment Services, Unemployment Insurance, Economic Development, Temporary Assistance for Needy Families, Vocational Rehabilitation, and staff to the LWDB. The Business Services Team is responsible for connecting with companies in the targeted industry sectors and occupations, and other employers that have hiring needs, in order to understand and meet their needs through a variety of employer-driven initiatives and services.

In order to understand and meet the needs of employers, Business Services Team members connect with area employers by participating in regional economic development groups comprised of training providers, Chambers of Commerce, plant managers, and economic developers to determine high-growth jobs and industries that are adding substantial jobs to the local economy. Local employers also serve on the local workforce development board and a standing committee of the board. Labor market information (LMI) is also utilized to identify and meet employers' needs. LMI is available through Jobs4TN and Economic Modeling Systems, Inc. (EMSI) and can be used to help employers identify average wages for jobs in an area, which occupations are predicted to have the most future job openings, as well as unemployment rates in an area. The Executive Director of the LWDB and/or his/her designee, also supports and promotes workbased learning with existing and prospective industry, when appropriate. Interested employers are referred to a Business Services Team member for specific details and services.

### *General Employer Eligibility Criteria*

Employers who are classified as a Tennessee (TEGL 25-15) for-profit business or, not-for-profit business with a presence, in accordance with Federal, State and Local law, and in business for at least 120 days that meets the following requirements:

- Be registered with Internal Revenue Service (IRS), have an account with Unemployment Insurance, and carry workers' compensation insurance (Federal Register Vol. 81, No. 161, Page 56117) and be current on all local, state and federal tax obligations.
- Be financially solvent and have an adequate payroll recordkeeping system that tracks hours worked, gross pay, deductions, and net pay.



- Must not appear on any federal suspension or debarment list.
- Be able to enter into agreements that will not displace any currently employed worker (WIOA Section 181[b][2][A]).
- Be able to enter into agreements that will not result in termination of any regular employee, or otherwise reduce the workforce, in order to hire a work-based training employee.
- Verify relocation (for the first 120 days after beginning operations) has not resulted in any employee job losses at the original location (WIOA Section 181[d][2]). To verify that the relocation has not resulted in a loss of employment, WIOA program staff and the work-based training employer must complete a Standardized Pre-Award Review.
- Not currently be involved in a labor dispute (20 CFR 680.840) or have workers currently in a layoff status for the work-based training position.
- Assure employees do not work on construction, maintenance, or operation of any facility that is used for sectarian activities (WIOA Section 188[a][3]).
- Must not meet the existing “pattern of failing to provide OJT specific work-based training participants with continued long-term employment as regular employees with wages and employment benefits” (20 CFR 680.700[b]).
- Must not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, disability, political beliefs or affiliation, or age.
- Assure training for employees must be in an in-demand industry as determined by the Local Workforce Development Board (LWDB) and/or its’ Service Provider.
- Assure training will benefit employees by increasing opportunity for learning new skills, gaining experience, retention, advancement, credentials or wages.
- Assure training will benefit the employer by providing assistance with training employees, which may result in saving jobs or preventing layoffs, enhance process improvement, or improve the overall competitiveness of the employer.
- Per WIOA regulations (10 CFR 638.200(g), assure “no individual may be placed in an employment activity if a member of that person’s immediate family is directly supervised by or directly supervises that individual.” For the purpose of this policy, the term “immediate family” includes a spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, bother-in-law, sister-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent or grandchild
- Comply with all contract/agreement provisions in accordance with the local workforce development board, Tennessee Department of Labor and Workforce Development and the Workforce Innovation Opportunity Act guidance and regulations.

### ***General Participant Eligibility***

Work-based training opportunities must be identified as an appropriate activity for program participants on the Individual Employment Plan (IEP) or Individual Service Strategy (ISS). IEPs or ISSs, and/or case notes, will specify goals of the work-based training activity by identifying the purpose of the activity and expected outcomes.

The Local Workforce Development Area Priority of Service Policy will be adhered to in determining participants eligible to participate in work-based training. In order to maximize services to populations with barriers, agencies serving these populations are targeted for outreach efforts such as distribution of marketing materials, participation in events, and invitations to participate in AJC events and strategy meetings. The AJC displays marketing materials for core and community partners and provides materials to be displayed at the partners' sites. Social media accounts are also used to connect with customers and other agencies and inform them of the services available through the AJC.

The Business Services Team conducts rapid response meetings in order to serve workers dislocated through closures or layoffs. Outreach to unemployment claimants regarding AJC services is also conducted when contact information is available. Specialized programs such as RESEA, serving unemployment claimants, and SNAP Employment & Training, serving SNAP (i.e. food stamp recipients) are also incorporated into services at the AJC.

The Outreach and Opportunities committee of the local workforce board provides guidance for reaching and serving such populations.

In addition, the participant must be:

- A U.S. citizen or individual legally entitled to work in the U.S.
- Age 18 or older\* (exception may be made for Eligible WIOA Youth)
- Registered for the Selective Service unless an exception is justified (Selective Service requires registration of all males who are 18 or older and born on or after January 1, 1960)

### *Work-Based Training Components*

#### **Incumbent Worker Training**

The term “incumbent worker training” (IWT) means training that is — 1. Designed to meet the specific requirements of an employer (including a group of employers); and 2. Conducted with a commitment by the employer to continue to employ an individual upon successful completion of training. IWT may be used to help avert potential layoffs, or to increase the skill levels of employees so they can be promoted within the company and create backfill opportunities for the employers.

- ***IWT Funding:*** The LWDB may provide incumbent worker training using statewide discretionary funds provided by the Governor and/or under WIOA Section 134(d)(4)(A)(i) of WIOA, LWDBs can use up to twenty percent (20%) of their adult and dislocated worker formula funds to provide for the Federal share of the cost of providing incumbent worker training.
- ***Eligibility Requirements for Employers for IWT Grant:*** An employer must meet all the following criteria in order to qualify for an Incumbent Worker Training Grant:
  - Grantee must be classified as a Tennessee for-profit business (or a not-for-profit business in health care)
    - Be in an in-demand industry as determined by Jobs4TN labor market information; OR
    - Be in an in-balance industry as determined by Jobs4TN labor market information
    - Be in a declining industry, but with compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in incumbent worker training
  - Must be in operation for at least one year
  - Must employ at least five full-time employees
  - Must be current on all local, state, and federal tax obligations
  - Must be a financially viable business not currently or recently experiencing, nor expecting to experience, a bankruptcy
  - Must not appear on any federal suspensions or debarment list
  - The Employer must be able to match requested training costs. Percentage of match is based on the size of the company, in accordance with Tennessee Department of Labor and Workforce Development policy (see Employer Share and Qualifying Costs below).
  - Must agree to submit reimbursement requests in the timely manner agreed upon with the LWDA, with required support documentation.
  - Must agree to complete an online monthly status report if required by the TDLWD.
  - Additional factors considered when determining employer eligibility include
    - The characteristics of the incumbent workers to be trained and how they would benefit from retention or advancement – consideration should be given to employers who propose to train individuals with barriers to employment as defined in WIOA Section 3(24).
    - The quality of training – whenever possible the training should allow the participant to gain industry-recognized training experience and/or lead to industry-recognized credentials and/or an increase in wages.
    - The number of participants the employer plans to train or retrain
    - The wage and benefit levels of participants both before and after training



- The occupation(s) for which incumbent worker training is being provided must be in demand for that industry

Each of the above factors leading to the approval of an incumbent worker training project with an employer must be documented and placed in the contract file.

- **Delivery of IW Training Services:** Training can be provided through Tennessee's public or private educational institutions, private training organizations, trainers employed by the business, or a combination of training providers. Training can be conducted at the business's own facility, at the training provider's facility, or at a combination of sites. All training must be completed by the last day of the specific program period in the grant contract agreement.
- **Employer Match Share and Qualifying Costs:** Employers participating in incumbent worker training are required to pay the non-WIOA (non-federal) share of the cost to provide training to their incumbent workers (WIOA Sections 134(d)(4)(C)-(D) and 20 CFR 680.820). The employer share is based on the size of the workforce as follows:
  - At least 10% of the cost for employers with 50 or fewer employees
  - At least 25% of the cost for employers with 51 to 100 employees
  - At least 50% of the cost for employers with more than 100 employees

Employer cost share contributions must be tracked and documented in the contract file. Wages paid to the participant while in training can be included as part of the employer match share. Other expenses can be provided as cash or in-kind, as long as they are fairly evaluated. The methodologies for determining the value of in-kind contributions must be documented in the contract file and conform to cost sharing requirements at 2 CFR 200.306.

Reimbursable Training Expenses are as follows:

- Instructors'/Trainers' salaries capped at actual amount or \$50/hour if company trainers are used (whichever is less)
- Curriculum development not to exceed 5% of total State obligation (curriculum development is defined as the time necessary for company officials to determine training needs or the actual development of a curriculum)
- Textbooks and manuals
- Materials and supplies
- Tuition expense (tuition is defined as instruction provided by an institution regulated by the Tennessee Higher Education Commission)

Non-Reimbursable Costs, include but are not limited to:

- Trainee's wages
- Purchases of capital equipment
- Purchase of any item or service that may possibly be used outside of the training project
- Travel expenses of trainers or trainees
- Assessment, testing, or certification fees
- Language training unless specific terms of employment
- Advertisement or recruitment
- Any costs not approved in the final sub-recipient agreement

The Employer will be reimbursed for documented allowable costs at 100% of the maximum authorized instructional component cost when at least 90% of Eligible Trainees enroll in the specific training component. If less than 90% of eligible trainees enroll in the specific training component, the reimbursement will be prorated based on the percentage enrolled of the 90% minimum number. The Incumbent Worker Training program will be evaluated for completion of training and placement in employment based on federal performance measures prior to subsequent programs being funded.

- ***Incumbent Worker (Participant) Eligibility:*** In order to qualify as an Incumbent Worker Participant, the following is required:
  - Must be a U.S. citizen or individual legally entitled to work in the U.S.
  - Must be 18 years of age or older
  - All males age 18 or older and born on or after January 1, 1960 must be registered for the Selective Service unless an exception is justified
  - Must be employed
  - Must meet the Fair Standards Act requirements for an employer-employee relationship (information regarding this requirement can be found at <http://www.dol.gov/whd>)
  - Must have an established employment history with the employer receiving the grant for at least six months (which may include time spent as a temporary or contract worker performing work for the employer receiving IWT funds), or, in the event that incumbent worker training is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained meet the employment history requirement per TEGL 19-16.

An incumbent worker does not have to meet eligibility requirements for career and training services through WIOA Title I Adult and Dislocated Worker Programs unless they are enrolled in the Adult or Dislocated Worker Program.

- ***IWT Grant Application Process:*** Businesses may submit the application, along with all required documents, online at <https://www.tn.gov/workforce/article/incumbent-worker-training>. The application is found at <https://www.tn.gov/workforce/article/apply-for-iwt> where the responses will then be forwarded to the appropriate LWDA. Local Workforce Development Boards must determine the eligibility of applications for each LWDA that is representative (based on county and grouped by region) of the company or business.

All grants for Incumbent Worker Training will be awarded and operated in accordance with Tennessee Department of Labor and Workforce Development policy and the Workforce Innovation and Opportunity Act law and regulations.

### **On-the-Job Training**

On-the-job Training (OJT) is a form of work-based training provided to an eligible WIOA participant upon entry into employment and while engaged in paid work. OJTs address specific gaps in the trainee's knowledge or skills that are inhibiting their ability to perform assigned duties fully and adequately and provides reimbursement to the employer of up to 50 percent of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training. An OJT may take place with an employer in the public, private non-profit, or private for-profit sectors. Generally, in order to participate in OJT a participant must be a new hire in the employer position (some exceptions may be made for employee upgrades). The Employer will be reimbursed up to 50% of participant wages (not to exceed the established State wage cap for OJT) upon completion of a designated training period not to exceed the Specific Vocational Preparation (SVP) level, taking in to account the prior education, training, work experience and the service strategy of the participant, as appropriate. The OJT wage rate will be evaluated for appropriate level for self-sufficiency and wage progression prior to entering into the OJT agreement. Employers will be required to agree to all provisions in the WIOA On-the-Job Training Program Employer/Grantee Assurances and other guidance issued by the Grantor. Further, the Employer must not have exhibited a "pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages and employment benefits."

### **Registered Apprenticeships**

A Registered Apprenticeship (RA) is an "earn and learn" training model that combines structured learning with on-the-job training from an assigned mentor. The goal is to provide workers with advanced sets of skills that meet the specific needs of employers. Upon completion of a RA program, participants receive an industry issued, postsecondary credential that certifies occupational proficiency. This credential is also portable (see

WIOA Section 122[a][2][A]). Local areas may also include support services, in coordination with career and or training services, to participants in an RA program in accordance with supportive services consistent with WIOA Section 134(d)(2), TEGL 19-16, and local policies. To be eligible, a participant must be selected by the employer to participate in a Registered Apprenticeship program (included on the WIOA Eligible Training Provider List), which may include participation in a pre-apprenticeship program.

- o A Pre-apprenticeship is a program or set of strategies designed to prepare individuals to enter, and succeed in, registered apprenticeship programs. These programs have a documented partnership with at least one registered apprenticeship program sponsor. Pre-apprenticeship programs expand the participant's career pathway opportunities by combining industry-based training and classroom instruction. Adult, Dislocated Workers, or Youth participating in pre-apprenticeship may receive funding through paid work experience positions, and associated support services, in accordance with the guidelines listed in the Work Experience section of this policy.

To qualify for local LWDB WIOA funding for a pre-apprenticeship program, the company must be approved as a Tennessee Certified Pre-Apprenticeship Program by the TN Department of Labor and Workforce Development and training must meet the criteria established in the LWDB Training Provider Approval policy – Program of Training including leading to at least one (1) of the following:

- An industry-recognized certificate or certification, a certificate of completion of a Registered Apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;
- A secondary school diploma or its equivalent;
- Employment; or
- Measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards a credential or employment.

In accordance with United States Department of Labor (USDOL) Training Employment Guidance Letter (TEGL) 13-16 a pre-apprenticeship program may be included on the Eligible Training Provider List for use of WIOA Title I Individual Training Accounts (ITAs) funding for eligible individuals, by going through the same vetting process and performance reporting requirements as all other training providers in the State. Programs may also contract directly with the LWDB under the Training Provider Approval policy – ETPL Exceptions.

When utilizing a contract versus an ITA for pre-apprenticeship programs, the costs will be on a reimbursement basis and are limited to:

- Instructors'/Trainers' salaries capped at actual amount or \$50/hour if company trainers are used (whichever is less),
- Textbooks and manuals,
- Materials and supplies,
- Tuition expense, defined as instruction provided by an institution regulated by the Tennessee Higher Education Commission

All costs must be supported by documentation and occur within the terms of the contract. Contracts will be negotiated based on instructional hours and minimum number of participants. The Contractor will be reimbursed for documented allowable costs at 100% of the maximum authorized instructional component cost when at least 90% of eligible trainees enroll in the specific training component. If less than 90% of eligible trainees enroll in the specific training component, the reimbursement will be prorated based on the percentage enrolled of the 90% minimum number. The pre-apprenticeship program will be evaluated for completion of training and placement in employment based on federal performance measures prior to subsequent programs being funded.

**Transitional Jobs**

The local area may use up to 10% of their combined total of Adult and Dislocated Worker allotments for transitional jobs as described in WIOA Sec. 134(d)(5). A transitional job is one that provides a time-limited work experience, that is subsidized in the public, private, or non-profit sectors with eligible employers for those individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. Transitional jobs must be combined with comprehensive career and support services and are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to entry into and retention in unsubsidized employment. Unlike an On-the-Job Training (OJT) contract, there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete; however, employers are encouraged to consider establishing an OJT contract and ultimately employment for individuals participating in transitional jobs as part of a *Ready, Set, Hire* approach to hiring job seekers to fulfill their human resource needs.

- **Ready, Set, Hire:** The *Ready, Set, Hire* approach allows a job seeker and employer to mutually benefit from the combined offerings of:

- Ready - Transitional Job Up to 320 hours of subsidized employment through a transitional job based on the job seeker's needs as documented on the Individual Service Strategy (ISS). The job seeker's employment is subsidized through the WIOA Adult or Dislocated Worker program at no cost to the employer. The job seeker will be paid through the program at the higher of 100% of the starting rate of the position being performed or a minimum of \$8.00 per hour.

*Note: The LWDB Director may approve work experience through a transitional job beyond 320 hours on a case-by-case basis as needed based on the job seeker's need as documented on the ISS.*

- Set - OJT Position Up to 320 hours of employment through an OJT grant, based on the job seeker's needs as documented on the ISS and the training needs of the position as demonstrated by the Specific Vocational Preparation (SVP) level of the position. Employers may be reimbursed up to 50% of an eligible OJT participant's wages for the completion of the specified training period in accordance with the guidelines set forth in the Business Services Manual, OJT Assurances, and OJT Needs Assessment.
- Hire! Employers are encouraged to consider hiring participants who successfully complete a Transitional Job, with or without an OJT contract. Participants on an OJT contract are employees of the business and are expected to be retained upon the successful completion of the training period. Employers may qualify for a Work Opportunity Tax Credit ranging from \$1,200 to \$9,600 for hiring individuals with barriers who are considered a member of a qualified targeted group.
- **Eligibility Criteria:** In order to be eligible for a transitional job, applicants must:
  - Be determined eligible as an Adult or Dislocated Worker in accordance with the guidelines set forth in the Adult and Dislocated Worker Eligibility section of this Manual; and
  - Have a barrier(s) to employment as documented by being a member of 1 or more of the following populations in accordance with the guidelines set forth in this Manual:
    - Displaced homemakers.
    - Low-income individuals.
    - Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.
    - Individuals with disabilities, including youth who are individuals with disabilities.
    - Older individuals.
    - Ex-offenders.
    - Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as H. R. 803—10 defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).
    - Youth who are in or have aged out of the foster care system.

- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in section 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents (including single pregnant women).
- Long-term unemployed individuals (i.e. individuals who have been unemployed 27 weeks or longer).
- Such other groups as the Governor involved determines to have barriers to employment; and
- Be chronically unemployed or have an inconsistent work history, as defined by the LWDB in accordance with § 680.190, and documented in the work history section of the Application. Taking into consideration an individual's labor market history, unemployment status, durations of unemployment, and long-term unemployment status, the LWDB has determined individuals to be chronically unemployed or to have an inconsistent work history if they meet one or more of the following items:
  - Currently unemployed and have been unemployed for 27 weeks or longer (long-term unemployed).
  - Currently unemployed for less than 27 weeks but have had at least one period of unemployment for 27 weeks or longer within the last 5 years.
  - Two or more significant (10 weeks or longer) gaps in employment within the last five years.
  - Three or more position changes within the last three years.
  - Three or more gaps in employment within the last three years.
  - Have been incarcerated within the last 10 years; and
- Receive appropriate Basic and / or Individualized Career Services to prepare for a successful entry into and retention in a transitional job and ultimately unsubsidized employment as documented on the ISS; and
- Receive support services, as described in the Supportive Services section of this Manual, in order to be able to participate in a transitional job and ultimately unsubsidized employment.

### **Work Experience - In-School and Out-of-School Youth**

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. As explained in 20 CFR § 681.590(b), local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement.

According to 20 CFR § 680.180, for the purposes of WIOA sec. 134(c)(2)(A)(xii)(VII), an internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. This experience provides participants with opportunities for career exploration and skill development. Work experience must include academic and occupational education (20 CFR 681.600[a-b]).

WIOA identifies four categories of work experience: (1) summer employment opportunities and other employment opportunities available throughout the school year; (2) pre-apprenticeship programs; (3) internships and job shadowing; and (4) on-the-job training (OJT) opportunities as defined in WIOA Section 3(44) and in 20 CFR § 680.700. Eligible WIOA youth program participants may participate in more than one work experience program (i.e. summer employment, job shadowing, pre-apprenticeship) over the duration of their program participation (20 CFR 681.600[c]). Work experience will enhance employability of youth through the development of work readiness and basic work skills including, but not limited to communication, punctuality, attendance, dependability, teamwork, completing a task, time management, decision making, motivation and conflict resolution.

Job shadowing is a work experience option where youth learn about a job by “walking through the work day as a shadow” to become competent workers. The job shadowing work experience is temporary, unpaid exposure to the workplace in an occupational area of interest to the youth.

Paid Work Experiences will be paid through the program at the higher of 100% of the starting rate of the position being performed or a minimum of \$8.00 per hour wage. Participants may work up to 40 hours per week for up to six (6) months, not to exceed 975 total hours as designated by the contract/agreement and individual employment plan.

Per TEGL 21-16, Operating Guidance for the Workforce Innovation and Opportunity Act, the required academic and occupational education component of work experience refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. The educational component may occur concurrently or sequentially with the work experience. The academic and occupational education component may occur inside or outside the work site. The work experience employer can provide the academic and occupational component or such components may be provided separately in the classroom or through other means. The Career Service Provider must document the academic and occupational education components of the work experience on a training plan to be maintained in the participant’s electronic file in Jobs4TN / VOS.

#### **Work Experience - Adult and Dislocated Worker**

In the event that an individual between the ages of 18 and 24 does not qualify as a Youth to be able to participate in a Youth Work Experience position, the individual may be enrolled in the Work Experience position as an Adult or Dislocated Worker as described above. Per WIOA sec. 134(c)(2)(A)(xii)(VII), Adults and Dislocated Workers may receive Individualized Career Services, if determined to be appropriate in order for an individual to obtain or retain employment, that may consist of internships and work experience that are linked to careers. Adults and Dislocated Workers participating in paid work experiences will be paid at the higher of 100% of the starting rate of the position being performed or a minimum of \$8.00 per hour wage.

Eligible Adults and Dislocated Workers over the age of 24 may be served through the Transitional Job component. Transitional jobs are a type of work experience, as described in §§ 680.190 and 680.195 and addressed separately in this policy. **When applicable, under discretionary grants, such as National Dislocated Worker Grants awarded to assist with disaster and / or employment recovery efforts related to covered events, any Adults and Dislocated Workers aged 18 and over may participate in work experience.**

#### **Contracts and Agreements for Work-Based Training**

Work-based opportunities will include an agreement (contract) with the employer and a training plan for the employee. The contract must include the requirements of WIOA rules and regulations, the type of occupation and skills, the competencies to be learned, and the length of training that will be provided. Contracts / agreements vary based on the type of work-based learning, but will be in an approved format in accordance with LWDB guidance, Tennessee Department of Labor and Workforce Development, and WIOA policy guidance and regulations and include the following:

- Basic Program description
- Cost Per Participant (varies by activity; subject to LWDB policy)
- Appropriate goals for the participant and/or employer.
- The contract awarded will be cost reimbursement. No expenses are reimbursable until a contract has been fully executed (signed by all parties) and, all participant data has been submitted and deemed eligible.

Additionally, work-based learning activities will comply with the following:



- All necessary information about a work-based participant and employer must be properly recorded in the Jobs4TN (VOS) system. Work-based training expenses must be reported by Service Providers on a timely basis to ensure the LWDB can properly report the expenditures in the Grants4TN system.
- Contracts for Work-based training must be monitored at least once by the contracting authority.

### *Monitoring for Work-Based Training*

Work-based training expenditures are tracked accordingly in the accounting system of record and reported monthly on internal documents as well required State reports. Expenditures and obligations are monitored monthly to ensure compliance with appropriate expenditure and obligation requirements. Monitoring will be based on the contract agreement and may be performed by the contract manager or another position. If the Work-based training is for reimbursement of wages, the employer must submit the following for review:

- Invoice form;
- Payroll records showing the gross wages paid to the trainee;
- Time records showing actual hours worked;

Onsite monitoring visits should be conducted shortly after the trainee begins work, and include additional visits at appropriate intervals (determined by the length of the training plan). Effective monitoring also includes desk review of correspondence from the employer, including payment invoices and required documentation to support those invoices. The Service Provider must regularly review each trainee's progress in meeting program and service strategy objectives. Such strategies should include the trainee's acquisition of basic/occupational skills and the adequacy of supportive services provided as related to work-based training. Any deviation from the work-based training contract should be dealt with and documented promptly.

Monitoring at the LWDB, State, and Federal level will include a review of the Service Provider's monitoring and oversight of participant training and corresponding employer payroll records, as well, as a review of how work-based activities align with and are facilitating the progress of career pathway strategies outlined in the local plan.

Upon completion of the monitoring review (both program and fiscal), a letter of the results will be sent to the OJT Contractor noting any findings. The OJT Contractor may be asked to respond to the monitoring report with a corrective action plan regarding any issues noted in the report. If no issues/concerns are noted in the report, a response from the OJT Contractor will not be necessary. Should it be necessary, follow-up and technical assistance will be given by LWDB staff to the contractor in order to bring them into compliance with WIOA Regulations and LWDB policies.

**Reference:** 20 CFR 680.700(b); 20 CFR 680.840; Federal Register Vol. 81, No. 161, Page 56117; TEGLs 03-15 (specifically "Training Contracts" on pages 9-10) and 19-16; WIOA Section 181(b)(2)(A); WIOA Section (d)(2); WIOA Section 188(a)(3); WIOA sec. 134(c)(2)(A)(xii)(VII); 20 CFR § 680.180.

**Related TDLWD Policy:** Incumbent Worker Training Grants Policy; Work-Based Training Guidance (pages 3 & 10)

**Vetted and Approved by the Local Workforce Development Board: May 23, 2023**

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Jimmy Williamson, Chair  
Northwest Tennessee Workforce Board

## **Outreach & Opportunities Committee Report – Ben Marks, Chair / Glad Castellaw, Vice Chair**

The committee met on April 25<sup>th</sup> with 12 members plus staff and contractors participating.

Talent Pipelines Report: Ginger Powell, Deputy Director, presented the attached Talent Pipelines report detailing career exploration and talent pipelines efforts and programs. Staff are currently working with Amteck on outreach for the next REAP pre-apprenticeship program scheduled for June. They have created an on-site visit with hands-on activities rather than visits at the schools. We have about 11 signed up for Shock and Awe! Day. Justice-Involved numbers will continue to go up as class schedules are finalized. We have partnered with University of TN Center for Industrial Services (UT CIS) to teach a manufacturing bootcamp. Ginger also mentioned the “Mock it till You Rock It” program to help students with job interviews or interviews to go into post-secondary education programs is ongoing.

### Target Populations Reports:

Youth Services Report: Jennifer Bane, Executive Director, provided an update on youth services. We should be getting some summer youth funding starting as early as mid-May through next August. The majority of funding will be non-WIOA funding, which will allow more youth-aged individuals to qualify.

Adult Education (AE) Report: AJ Douglas, NW TN AE Program Director, provided an update on services in NW and Madison County. ESL classes have started at the Martin Library. Classes continue at Tyson in Union City and HiSet classes will begin at Tyson in Humboldt. AE has a goal to host classes with employers in each county. There are currently 301 participants, and AE is looking to hire for a part-time position in Madison County.

Vocational Rehabilitation (VR) Report: David Parrish, CTRC West Area Manager reported that VR is wrapping up working in six high schools. VR is also working with Dyersburg State Community College’s Eagle Access program through work-based learning and one class per week. The partnership between VR and Title I for work experience and initiatives continues with one shared participant recently being hired by their worksite, the UT Martin Library. VR also continues to work with Paris Landing Lodge and is adding a position in Carroll County and in Madison County.

Special Grants & Projects Report: Jennifer Bane presented the attached report detailing cumulative services and expenditures through March under the National Dislocated Worker Grant (DWG), RESEA grant, Apprenticeship Grant, the Rural Public Health Workforce Training Grant, and SNAP E&T 50+ Technical Assistance project which ended in March. Enrollments are on track to be met for the DWG that ends in June, but expenditures have been less than projected. Apprenticeship grant enrollment and expenditure goals will be met by the 6/30 grant end date. Events were held in Crockett, Lake, and Gibson counties during the quarter for the Rural Public Health partnership. Services for the GROWWTH grant are expected to launch in the AJCs in early May. Training programs and locations are being finalized for the Good Jobs grant.



# Talent Pipelines

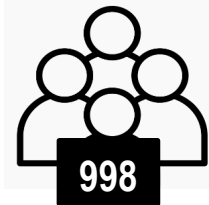
## Manufacturing Day



High Schools  
Participating

Students  
Participating

Employers  
Participating



## TRANSFR Virtual Reality Headsets

10  
High Schools  
Participating

471  
Students  
Participating (Goal 225)

513  
Simulations Completed



## Youth Work Experience



43

New Enrollments

42

Worksites

5

Incentive Enrollments

## Registered Electrical Apprenticeship Preparation (REAP)



4

ENROLLED



3

COMPLETED  
CLASSROOM TRAINING



1

EMPLOYED  
WITH AMTECK



3

EMPLOYED



1

UNEMPLOYED

## Justice Involved Individuals

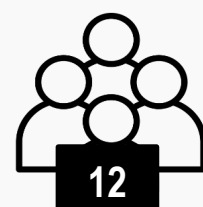
1 / 40  
Individual Served

\$9,424 / \$72,000  
Expended



High Schools  
Participating

Students  
Participating



# Special Grants & Projects

## National Dislocated Worker Grant



## Reemployment Services and Eligibility Assessments (RESEA)



\$46,457 / \$68,797  
Expended

Approaching Target

71  
New  
Orientations

94  
Subsequent  
Visits

## Apprenticeship USA Grant



26 / 33  
Apprentices

Approaching Target



\$62,500 / \$81,821  
Expended

Approaching Target

## SNAP Employment & Training 50+ Technical Assistance Project

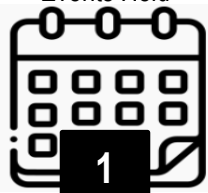
New Enrollments 7 / 10

Enrolled in Training 3 / 4

Completed Training 0 / 1

## Rural Public Health Workforce Training Network Grant

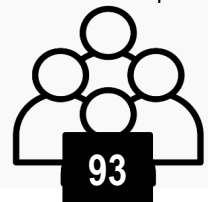
Events Held



High Schools Participating



Students Participating



Expended



Members of the West Tennessee Public Health Workforce Training Network include Baptist Memorial Hospitals in Union City and Huntingdon; Dyersburg State Community College; Jackson State Community College; Priority Ambulance; and the Northwest Tennessee Workforce Board.

March 2023

## Upcoming Projects:

- 1 GROWWTH:  
Growing Relational & Occupational Wealth in West TN Households (TANF Pilot)
- 2 OPPORTUNITY NOW!  
EDA Good Jobs Challenge



3.5% ▼  
Unemployment Rate  
(Mar 2023)

## **Executive Committee Report – Ted Piazza, Chair/ Jimmy Williamson, Vice-Chair**

The Executive Committee met on April 26<sup>th</sup> with seven members plus staff, contractors, and three guests participating.

Facilities & Technology Report: Inventory has been completed. There is quite a bit of surplus tagged equipment for the state to pick up. TCAT will help dispose of the non-tagged equipment.

Performance & Oversight Report: No complaints have been received and the Monitoring Status Report, detailing the monitoring that has occurred, was also reviewed. There have not been any concerning findings. Monthly monitoring of the OSO and CSP contracts is continuing, and staff are working on a 6-month monitoring report for the OSO. The only concerns noted were continued low traffic in the AJCs, no new access points being added, and a few Key Performance Indicator (KPI) goals not being met.

The committee also reviewed the results of the PAR monitoring. There were no findings but a few concerns were noted from the programmatic part of the review. Several items have already been addressed. The preliminary results from data validation were also received and corrections submitted. Final results have since been received and all measures were under the 5% error threshold, except one which was at 5%. Estimated federal performance results for the third quarter was also reviewed. Final results have since been received from the TDLWD and are included on the attached Performance & Fiscal report. All measures are being met with Dislocated Worker employment for second quarter after exit being the only measure below 100% of the goal, but still above the 90% required to be passing.

Budget & Administration Report: The committee reviewed the attached Financial Status Report detailing expenditure and obligation rates as of March, as well as fiscal performance results for the minimum participant cost rate (MPCR), Work Experience expenditures, PY 21 Out-of-School Youth expenditures, and In-School Youth (ISY) expenditures under the PY 22 funds. All measures are being met.

The committee also reviewed the estimated budget for Program Year (PY) 2023. Local allocations had not yet been received at the time, but have since been received and the budget updated accordingly. The updated budget is included in the handouts. The State's allocations were cut about a 4% for Adult and Youth, and about 8% for Dislocated Worker, but our allocations were cut about 12% for Adult and Youth and 15% for Dislocated Worker. With the new TANF GROWWTH grant, about \$683,000 is being added to the budget for a total estimated budget of \$2.6 million. After accounting for about \$2.05 million in operating expenses, and carryover needed for the first quarter of PY 2024, only about \$513,000 will be available for participants, which would result in only a 32% MPCR. An additional \$229,000 in participant funding would need to be requested to reach a 40% MPCR. **The committee recommends approval of the PY 2023 budget as presented on the attached handouts (Vote Required).**

- ***One-Stop Operator (OSO) Procurement:*** Michaela Wischmeier of Thomas P. Miller & Associates (TPMA) gave the committee a brief summary of the request for proposal (RFP) process and results as outlined in the attached recommendation report. Two bids were received for both NW and SW from Mid-Cumberland Human Resource Agency (MCHRA) and the University of Tennessee Center for Industrial Services (UT CIS), and TPMA staff recommended MCHRA to be the contractor for OSO services. MCHRA had an average score among the three TPMA reviewers that was 5.03 points higher than the UT CIS average score and proposed the allotted budget of \$165,000 while UT CIS proposed \$223,000. It appeared the main differences in the UT CIS budget were the proposed One-Stop Assistant salary being more in line with the current OSO salary, the proposed OSO salary being higher than the current salary, and though reduced from the approved rate, a higher indirect rate. It was also noted that during review of MCHRA's financial statements, a finding from the prior year for an employee accepting cash and improper reconciliation procedures had been resolved. **The committee recommends approval of MCHRA as the OSO contractor (Vote Required).**

Other Business: The committee reviewed proposed changes to the following:

- ***Bylaws:*** Proposed changes are indicated in red in the attached handout. The majority of changes included updates and additional details to describe processes as required in the State's revised Local Governance

policy. The majority definition for private-sector representatives was changed to “defined as the greater sum of the whole (largest percentage)” to match the State’s policy, but it is recommended that 51% still be the goal. The requirements for the Vice-Chair for the AJC and Outreach & Opportunities Committee and the Regional Representative for the Board of Directors were updated to include representatives of a labor organization, apprenticeship program, or economic and community development entity in addition to a private business in order to expand those eligible to serve. **The committee recommends approval of the changes to the Bylaws as presented (Vote Required).**

- *Partnership Agreement:* The State’s revised Local Governance policy removes the requirement to have a separate partnership agreement between the mayors and board as the majority of items are already covered in the Bylaws and Interlocal Agreement. **The committee recommends rescinding the existing Partnership Agreement as it is no longer required (Vote Required).**

The committee also received an update on pending actions of the State Workforce Board. Changes to two policies will also be presented at the next meeting which may require updates to our local policies. KPI negotiations for the next program year have not yet begun, so it is not expected that the State Board will take action on those at the next meeting. Two proposals were submitted to the Adult Education (AE) Division of the TN Department of Labor & Workforce Development and sent to the local board for review to ensure compliance with the local plans. It was noted that neither proposal covered Benton County, but the AE Division staff will work with the bidders to ensure all counties are covered.

# Executive Summary

On February 28, 2023, staff from the Tennessee Department of Labor and Workforce Development (TDLWD), Office of Program Accountability Review (PAR), completed an on-site review of Northwest Local Workforce Development Area Local Workforce Development Area, which included activities by board staff, fiscal agent, one-stop operator, and career service provider. The Tennessee Department of Labor and Workforce Development (TDLWD) has grant agreements with Workforce Innovations / Northwest Tennessee Workforce Board. Refer to the end of the report for a listing of the monitored grants.

## ***Disclaimer***

This report does not contain the results of participant program monitoring, including reviewing participant files for eligibility documentation and case management. These files will be reviewed by staff in the Workforce Services Division and they will separately report their results. PAR did not review the participant files and, accordingly, does not express an opinion or any assurance regarding the participant eligibility documentation or case management.

## ***Key Findings from Program Accountability and Review***

- No findings were noted.

## ***Key Concerns from Workforce Services Division***

- The local program participant policy is preventing co-enrolling Re-employment Trade Adjustment Assistance (RTAA) participants in Title I programs.
- American Job Center (AJC) staff do not appear to have an updated Veteran triage form.
- Not all programmatic files were properly secured at the Dyersburg AJC.
- The Equal Opportunity (EO) signage at the Dyersburg AJC was not predominately displayed in the reception area.
- There appears to be a lack of strong communication or disconnect between the Business Service Team (BST) to the Board and the BST within the AJC.

# Performance & Fiscal

On Track

Approaching Target

Off Target

Employment Rate 2nd Quarter After Exit

Adult

**87.1%**

Goal 83%

Dislocated Worker

**77.2%**

Goal 83%

Youth

**83.9%**

Goal 77.5%

Employment Rate 4th Quarter After Exit

Adult

**85.9%**

Goal 83%

Dislocated Worker

**87.3%**

Goal 83%

Youth

**84.5%**

Goal 76.5%

Median Earnings 2nd Quarter After Exit

Adult

**\$8,090.00**

Goal \$6,900

Dislocated Worker

**\$7,679.14**

Goal \$7,100

Youth

**\$4,163.00**

Goal \$3,720.00

Credential Attainment Within 4 Quarter After Exit

Adult

**80.4%**

Goal 69.0%

Dislocated Worker

**80.8%**

Goal 70.6%

Youth

**77.1%**

Goal 70.5%

Measurable Skills Gain

Adult

**73.5%**

Goal 62.0%

Dislocated Worker

**77.3%**

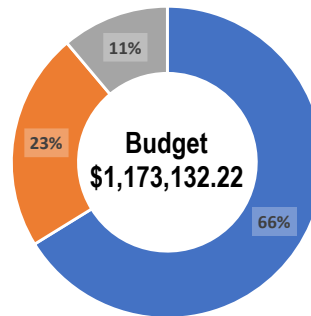
Goal 61.2%

Youth

**67.6%**

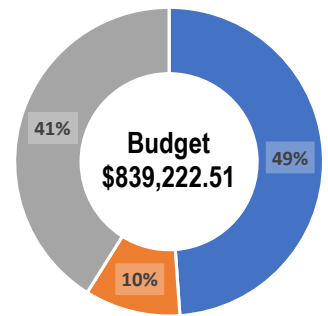
Goal 54.2%

Adult



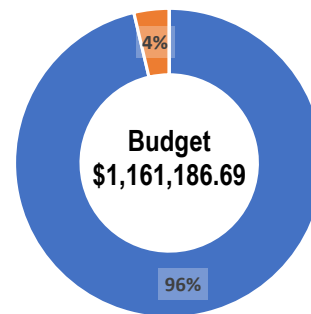
Expended \$776,682.75  
Obligated \$265,763.62  
Balance \$130,685.85

Dislocated Worker



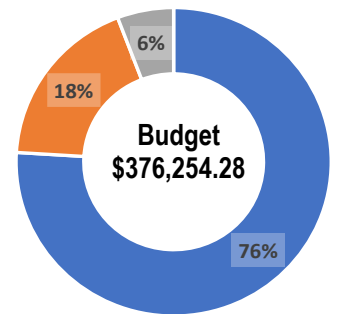
Expended \$410,236.69  
Obligated \$84,109.86  
Balance \$344,875.96

Youth



Expended \$1,118,489.66  
Obligated \$42,697.03  
Balance \$0

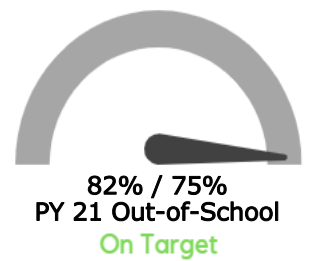
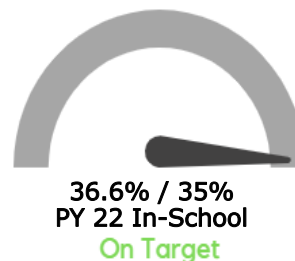
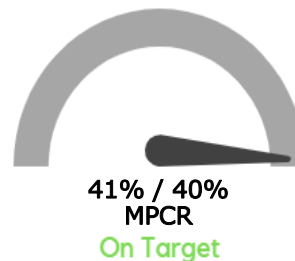
Statewide



Expended \$285,826.88  
Obligated \$68,672.29  
Balance \$21,755.11

\$812,966 Expended  
\$395,555 Balance  
\$1.2 Million Operating Budget

\$596,662 Expended  
\$516,828 Balance  
\$1.1 Million Participant Budget



<b>DRAFT Northwest PY 23 Budget Rev. May 2023</b>	<b>Admin. (Title I + RESEA)</b>	<b>Adult Prg (w/ Adult Transfer)</b>	<b>DW Prg (w/o AT)</b>	<b>Youth Program</b>	<b>Title I Program Total</b>	<b>Total Title I Budget</b>	<b>RESEA Program</b>	<b>GROWWTH Admin / Program</b>	<b>Total Budget</b>
<b>Estimated PY 22 Carryover</b>	\$ 95,579.94	\$ 284,581.85	\$ 116,825.96	\$ (35,464.65)	\$ 365,943.16	\$ 461,523.10	\$ 3,300.00	\$ 297,314.99	\$ <b>762,138.09</b>
<b>Estimated PY 23 Allocations*</b>	\$ 144,964.32	\$ 485,071.40	\$ 341,215.80	\$ 478,391.71	\$ 1,304,678.91	\$ 1,449,643.23	\$ 25,555.50	\$ 385,565.32	\$ <b>1,860,764.05</b>
<b>Total PY 23 Funding Available</b>	\$ <b>240,544.26</b>	\$ <b>769,653.25</b>	\$ <b>458,041.76</b>	\$ <b>442,927.06</b>	\$ <b>1,670,622.07</b>	\$ <b>1,911,166.33</b>	\$ <b>28,855.50</b>	\$ <b>682,880.31</b>	\$ <b>2,622,902.14</b>

\*\$216,729.77 decrease from PY 22

IFA Expenses (including OSO)	\$ 1,997.33	\$ 46,708.04	\$ 17,433.94	\$ 29,087.64	\$ 93,229.62	\$ 95,226.95	\$ 1,512.14	\$ 48,361.87	\$ <b>145,100.96</b>
Career Service Provider	\$ -	\$ 320,640.00	\$ 119,680.00	\$ 199,680.00	\$ 640,000.00	\$ 640,000.00	\$ 27,343.36	\$ 467,502.15	\$ <b>1,134,845.51</b>
Board / Fiscal Agent Expenses	\$ 241,002.67	\$ 190,354.77	\$ 71,050.58	\$ 118,544.29	\$ 379,949.64	\$ 620,952.31	\$ -	\$ 145,921.02	\$ <b>766,873.33</b>
<b>Total Operating Expenses*</b>	\$ <b>243,000.00</b>	\$ <b>557,702.81</b>	\$ <b>208,164.52</b>	\$ <b>347,311.93</b>	\$ <b>1,113,179.26</b>	\$ <b>1,356,179.26</b>	\$ <b>28,855.50</b>	\$ <b>661,785.04</b>	\$ <b>2,046,819.80</b>

\*May be adjusted between line items / programs

			\$ (43,342.50)						
<b>Balance for Participants (Minus PY 24 Q1 Expenses)</b>	\$ 167,926.01	\$ 249,877.24	\$ 95,615.13	\$ <b>513,418.37</b>					
					Revised Participant % of Program Funds	32%			
					Amount Needed to Reach 40% MPCR	\$ 228,701.13			





THOMAS P. MILLER & ASSOCIATES

**PROPOSAL FOR:**

Northwest & Southwest Tennessee

# One-Stop Operator Procurement Recommendation Report

**SUBMITTED TO**

WORKFORCE  
INNOVATIONS, INC

**SUBMITTED BY**

Dr. Ben Wilson  
Christina Ortega  
TPMA



# Introduction

Thomas P. Miller and Associates (TPMA) was contracted by the Workforce Innovations, Inc. to act as the third-party procurement agent for the local workforce area's One-Stop Operator.

As the third-party procurement agent, TPMA was responsible for developing the Request for Proposal (RFP), soliciting bids, facilitating the Q&A period, creating a tailor-made scoresheet for each contract, evaluating bids, and identifying our recommendation for contract to the Board. All bids were submitted directly to TPMA for evaluation, and we scored each bid for its effectiveness in responding to the Scope of Work outlined in the RFP. TPMA's team of evaluators scored each bid independently then convened to discuss their scores and agree upon a recommendation.

Upon completing the evaluation of all bids, TPMA presents Workforce Innovations, Inc. with this evaluation report. This report serves simply as a recommendation to the Board. Because we are not involved either contractually or in-kind with the Board, we do not present any conflict of interest and have made the following recommendations based on our evaluation. The final decision for contracting is the responsibility of the Board.

TPMA received the following proposals from interested bidders for each contract:

## One-Stop Operator in Northwest Tennessee

- Mid-Cumberland Human Resource Agency
- University of Tennessee Center for Industrial Services

## One-Stop Operator in Southwest Tennessee

- Mid-Cumberland Human Resource Agency
- University of Tennessee Center for Industrial Services



# Procurement Preparation

TPMA launched the procurement process by facilitating a conversation with Workforce Innovations, Inc. staff to determine the ideal roles and responsibilities of the One-Stop Operator in addition to what is required by U.S. Department of Labor and Tennessee guidance. Next, TPMA requested and reviewed all relevant documents from the Workforce Innovations, Inc.

TPMA developed one RFP branded on TPMA letterhead, and provided it to Workforce Innovations, Inc. to review. We incorporated applicable edits into the final version of the RFPs and prepared them for release. The timeline for the procurement was as follows:

ACTION	DATE
RFP Release	2/13/2023
Deadline for Bidder Questions	2/20/2023
Response to Bidder Questions Posted	2/27/2023
Proposal Deadline (email only)	3/20/2023
LWDB Approval	6/1/2023
Notification to All Bidders	6/2/2023
Contract Begin Date	6/15/2023

To ensure open and fair competition, Workforce Innovations, Inc. advertised the RFP in several sources. In addition, TPMA e-mailed the RFP to contacts that Workforce Innovations, Inc. supplied and TPMA created a procurement page <https://www.tpma-inc.com/workforce-innovations-procurement/>, that housed all information related to the procurement (e.g., timeline, RFPs, contact information, questions, and answers, etc.).

Upon release of the RFPs, a one-week question period was permitted. TPMA did not receive any questions for the One-Stop Operator RFP.



# Evaluation of Bids

## [CONTRACT (E.G., ONE-STOP OPERATOR, WIOA TITLE I ADULT & DISLOCATED WORKER PROVIDER, WIOA TITLE I YOUTH SERVICES PROVIDER)]

TPMA developed an evaluation scoresheet to score bids that was based upon criteria listed in the One-Stop Operator RFP:

PROPOSAL COMPONENT	POINTS
Organizational Experience & Capacity	15
Performance & Accountability	15
Partnerships & Community Engagement	15
Program Service Delivery Model	20
Technology, Data, & Reporting	10
Financial & Fiscal Capabilities & Budget	20
Instructions, Attachments & Formatting	5
Northwest/Southwest Alignment Bonus	10
<b>TOTAL</b>	<b>110</b>

The table below details the scores of each evaluator as well as the combined average score of all three evaluators.

BID	SCORE 1	SCORE 2	SCORE 3	AVERAGE SCORE
Mid-Cumberland Human Resource Agency	72.75	90.75	90.17	84.56
University of Tennessee Center for Industrial Services	66.83	83.08	88.67	79.53

The total annual budget allocated for the One-Stop Operator contract, per the RFP, is \$165,000.

BID	TOTAL ANNUAL BUDGET
Mid-Cumberland Human Resource Agency	\$165,000
University of Tennessee Center for Industrial Services	\$223,000



# Proposal Summaries

## MID-CUMBERLAND HUMAN RESOURCE AGENCY

### SUMMARY

Mid-Cumberland Human Resource Agency (MCHRA) was created in 1964; their mission is to “help people help themselves by providing knowledge and resources.” Besides providing social service programs, they also have experience in workforce development. They are currently operating as a One-Stop Operator in two local areas and have previously worked as a One-Stop Operator in six local areas. Their proposal answered all the questions and contained all the required documents. Mid-Cumberland Human Resource Agency proposes a budget of \$165,000 and their audits did not produce any findings.

### STRENGTHS & WEAKNESSES

The organization and formatting really stood out at first glance of MCHRA’s RFP. It was easy to follow and well-written. Another strength was the clarity and examples of their answers. When talking about providing services and ensuring compliance, MCHRA provided specific examples of how these tasks would be accomplished. They had a detailed plan for outreach to connect with more partners. Their explanation of customer flow was also very thorough and they provided a customer flow model to help demonstrate their plan. One other strength was the way their language tied back to the guidance.

While MCHRA’s proposal was easy to follow and many of their answers were detailed, there were a few answers that could have been more specific and a couple that were not as clear. For instance, there was not a detailed explanation of how to work with partners and there was no discussion of how they would evaluate the customer experience. Another brief answer was the mention of using “removable cameras for virtual workshop and meetings,” but no more information or explanation was given about these technological devices.

## UNIVERSITY OF TENNESSEE CENTER FOR INDUSTRIAL SERVICES

### SUMMARY

The University of Tennessee Center for Industrial Services (CIS) was created in 1963 and is one of six UT Institute for Public Services agencies. CIS adheres to what they refer to as the Pillars of Professionalism (Innovation, Honesty, Engagement, Accountability, and Respect) and focuses on helping their customers to achieve their goals. CIS has previously served as the One-Stop Operator for the East Tennessee Workforce Development area and has nearly 40 years of experience in successfully managing federal contracts. Their proposal answered all the questions and contained all the required documents. University of Tennessee Center for Industrial Services proposes a budget of \$223,000 and their audits did not produce any findings.

### STRENGTHS & WEAKNESSES

One strength that stood out in CIS’ proposal was their specifics when they talked about their managing of federal grants; they have successfully done so for nearly 40 years and mentioned specific projects in their proposal; some of their references also spoke highly of CIS’ management of federal grants and programs. Throughout their 60 years in business, CIS has also made many connections especially to higher education institutions, which is another plus. This proposal also did a good job of backing up their answers with specifics and details.

One flaw in this proposal is the reference to the current One-Stop Operator. CIS mentioned several times that if they won the bid they would rely on and work with the One-Stop Operator for specific tasks rather than propose how they would handle the tasks on their own. Another concern is the proposed budget. CIS is proposing a budget that is \$58,000 over the budget set by Workforce Innovations, Inc. While the budget was explained and CIS said that they are open for negotiations, the RFP clearly stated that the budget should not exceed \$165,000.





## RECOMMENDATION FOR ONE-STOP OPERATOR

Based on the evaluation of the bids, TPMA recommends that Workforce Innovations, Inc. contract with Mid-Cumberland Human Resources Agency for One-Stop Operator services. Their proposal scored an average of 5.03 points higher than the University of Tennessee Center for Industrial Services and demonstrated an understanding of the region's workforce needs.



**BYLAWS FOR THE  
NORTHWEST TENNESSEE WORKFORCE BOARD  
LOCAL WORKFORCE DEVELOPMENT AREA**

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## Article I: Name & Establishment

**§ 1.1 Name:** This body shall be known as Northwest Tennessee Workforce Board, for the Northwest Tennessee Local Workforce Development Area (NWTN LWDA); hereinafter referred to as “the Board”. The Board is established in accordance with Workforce Innovation and Opportunity Act of 2014 (WIOA), Section 107(b)(2) as an entity within Tennessee’s workforce development system.

## Article II: Location

**§ 2.1 Location:** The principal office of the Board shall be located at 208 North Mill Avenue in Dyersburg, Tennessee, 38024. The Board may have such other offices, either within or without the State of Tennessee, as the Board of Directors may designate or as the affairs of the Board may require.

## Article III: Mission and Purpose

**§ 3.1 Mission and Purpose of the Board:** The purpose of this body is to provide policy guidance and exercise oversight with respect to activities under the Workforce Innovation and Opportunity Act of 2014 (WIOA) (or subsequent federal law) in partnership with the units of local government for Northwest TN LWDA. The Board is organized and shall be operated exclusively for charitable, scientific, literary and educational purposes. This Board supports WIOA activities that develop a quality workforce system to meet the needs of area employers and job seekers, so that Northwest Tennessee is an area where business and industry thrive based on the availability of a skilled workforce and a robust talent pipeline, and where increasing wealth fuels prosperous communities and a high quality of life.

In furtherance of such purposes, the Board intends to operate in the Local Workforce Development Area, established by the Governor of the State of Tennessee, encompassing Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, and Weakley counties of Tennessee.

**§ 3.2 Term of the Bylaws:** ~~The term of the bylaws cannot exceed two (2) years.~~ These bylaws are effective beginning July 1, 2023 ~~with an end date of June 30, 2024.~~ Bylaws must be reviewed every two years from the effective date.

## Article IV: Functions of Local Board

**§ 4.1 Roles and Responsibilities:** Consistent with WIOA section 107(d) and Tennessee Department of Labor and Workforce Development (TDLWD) requirements in partnership with the Local Elected Officials (LEOs) the following roles and responsibilities of the functions of the local board shall include the following:

- (1) LOCAL PLAN – Develop and submit a Strategic Plan in partnership with the Local Elected Officials (LEOs) (as defined in 29 - 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee ~~by the Local Board Chair. The LEOs, Chief Local Elected Official (CLEO), and Local Board will collaborate to write and approve the Local Strategic Plan utilizing the board committee structure, including seeking input from appropriate staff to the board and one-stop partner staff, as needed. The Local Strategic Plan will be published for public comment according to TDLWD policy prior to submission to the State Workforce Board.~~ If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2);
- (2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS – In order to assist in the development and implementation of the local plan, the Board shall:
  - A. Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and

- B. Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and
  - C. Conduct other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders.
- (3) CONVENING, BROKERING, LEVERAGING – The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.
- (4) EMPLOYER ENGAGEMENT – The Board shall lead efforts to engage with a diverse range of employers:
- A. To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and
  - B. To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and
  - C. To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
  - D. To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships).
- (5) CAREER PATHWAYS DEVELOPMENT – The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- (6) PROVEN AND PROMISING PRACTICES – The Board shall lead efforts to:
- A. Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
  - B. Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
- (7) TECHNOLOGY – The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
- A. Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
  - B. Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
  - C. Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
  - D. Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- (8) PROGRAM OVERSIGHT.—The local board, in partnership with the local elected officials for the local area, shall conduct oversight of the One-Stop System, including all WIOA activities and —
- A. (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
  - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
  - B. for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.



(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the local elected officials, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

(10) SELECTION OF OPERATORS AND PROVIDERS.—

A. SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board and the LEOs, subject to the approval of the chief elected official for the local area—

- (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A) and (B), an eligible entity (which may be a consortium of entities) shall be designated or certified as a one-stop operator through a competitive process consistent with federal, state, and local procurement requirements. Procurement results shall be presented to the Executive Committee of the Board, which includes the CLEO as a member, for approval or recommendation to the full Workforce Board, including LEOs serving as ex-officio members; and
- (ii) may terminate for cause the eligibility of such operators based on documentation through monitoring and oversight conducted of non-compliance with the contractual agreement for services procured. Documentation shall be presented to the Executive Committee for approval or recommendation to the full Workforce Board, including LEOs serving as ex-officio members..

B. SELECTION OF YOUTH PROVIDERS.—Consistent with section 123, the local board—

- (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis consistent with federal, state, and local procurement requirements (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
- (ii) may terminate for cause the eligibility of such providers.

C. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area, including cost and performance data.

D. IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts through a competitive process, consistent with federal, state, and local procurement requirements. Procurement results shall be presented to the Executive Committee of the Board, which includes the CLEO as a member, for approval or recommendation to the full Workforce Board, including LEOs serving as ex-officio members. The Career Service Provider may be terminated for cause based on documentation through monitoring and oversight conducted of non-compliance with the contractual agreement for services procured. Documentation shall be presented to the Executive Committee for approval or recommendation to the full Workforce Board.

E. CONSUMER CHOICE REQUIREMENTS.—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

(11) COORDINATION WITH EDUCATION PROVIDERS.—

A. IN GENERAL.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).

B. APPLICATIONS AND AGREEMENTS.—The coordination described in subparagraph (A) shall include—

- (i) consistent with section 232—
    - I. reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and
    - II. making recommendations to the eligible agency to promote alignment with such plan; and
  - (ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.
  - C. COOPERATIVE AGREEMENT.—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.
- (12) BUDGET AND ADMINISTRATION.—
- A. BUDGET.—The local board shall develop a budget, with input from the LEOs through participation on the Executive Committee and as ex-officio members of the Workforce Board, for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the Board Chair prior to submission to a majority of the Chief Local Elected Officials— for final approval and submission to the Tennessee Department of Labor and Workforce Development (TDLWD) prior to each program year in accordance with Workforce Services Policy – Local Governance.
  - B. ADMINISTRATION.—
    - (i) GRANT RECIPIENT.—
      - I. IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.
      - II. DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).
      - III. DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.
    - (ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.
    - (iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.
- (13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area. The Executive Committee of the Board shall assess and reassess the physical

and programmatic accessibility on an annual basis or when physical and programmatic changes that may impact access are made.

Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.

**Other LWDB roles and responsibilities include:**

- (a) Elect a private-sector business representative as LWDB Chair; and
- (b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

QUALIFICATIONS.—The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

APPOINTMENT.—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director who is authorized to appoint additional staff to carryout the functions of the Board and Fiscal Agent.

- (c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and
- (d) Promote American Job Center programs and activities; and
- (e) Assist the State Office in developing the statewide employment statistics system under the Wagner-Peyser Act; and
- (f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- (g) Carry out regional planning responsibilities as required by the TDLWD; and
- (h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings; and
- (i) Establish or revise local policy through a process of Staff to the Board consulting with either the Board of Directors or a Standing Committee of the LWDB or presenting directly to the LWDB to respond to the policy consideration by vote. All policies will reflect the signature of the LWDB Chair to demonstrate that they have been formally reviewed and approved by the LWDB.

## **Article V: Membership and Committees**

**§ 5.1 Membership:** The Board shall be established and certified by the Governor of the State to carry out the functions described in Article IV (and any functions specified for the local board under WIOA.) The Chief Local Elected Officials in Northwest TN LWDA are is authorized to appoint the members of the Board in accordance with the State criteria. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official.

The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the Chief Local Elected Officials, in consultation with the LEOs of the counties as needed, within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA may solicit nominations of members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy – Local Governance, as amended from time to time, and in

accordance with the requirements of LWDB composition as described below. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State.

The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and
- ~~A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee's county. This letter must identify the individual being nominated and must also acknowledge the nominee's optimum policymaking authority, as it aligns with a curriculum vita, resume, or work history, to support the qualifications of the nomination.~~

Completed nomination forms must be submitted to the TDLWD for review. Once the form has been reviewed, the LWDB will receive a follow-up letter of certification or denial within five (5) business days. **Nominees will not be approved until all supporting documentation is complete, accurate, and contained in one (1) submission.** The member must not be seated onto the LWDB until a certification letter from TDLWD has been received to affirm the nomination.

A majority – **defined as the greater sum of the whole (largest percentage)** - of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

As ex-officio members of the Board, the **chief local** elected officials have all rights and privileges stated within these by-laws. **As ex-officio members of the Workforce Board, LEOs/CLEO receive notices and all materials and are encouraged to participate in quarterly and special called board meetings. This includes collaborating with the Local Board on the following:**

- Meeting Agendas are set in consultation with the Board Chair and CLEO and will include Board Committee Reports, as well as an “other” agenda item to promote membership contributions.
- Communicating the shared vision, goals and workforce development needs of local communities through attending presentations and review/comment on quarterly and annual reports; and
- Reviewing, monitoring, sharing and communicating with responsible staff/contractors to determine outcomes of performance metrics and any necessary adjustments for improvement.

- (1) STATE CRITERIA: The Governor, in partnership with the State board, shall establish criteria for use by the chief elected official in Northwest TN LWDA for appointment of members of the Board in accordance with the requirements of paragraph (2). Further, in accordance with Workforce Services Policy – Local Governance, nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. The nominator shall be of a management capacity representing business, labor, education and economic community development. The staff to the LWDB, fiscal agent staff, staff employed by One-Stop Operators, and contracted service providers are prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.
- (2) COMPOSITION.—Such criteria shall require that, at a minimum—
  - A. **Representatives of Business** - a ~~minimum of 51%~~ **majority – defined as the greater sum of the whole (largest percentage)** - of the members of each local board shall be representatives of business in the local area, who—
    - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

- (ii) represent businesses, including small businesses ~~(at minimum 2 members)~~, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
  - (iii) are appointed from among individuals nominated by local business organizations and business trade associations.
- B. **Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
  - (i) shall include two (2) or more representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
  - (ii) shall include ~~a one~~ **(1) or more** representative, who shall be a member of a labor organization or a training director, from a joint labor-management **registered** apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
  - (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
  - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;
- C. **Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
  - (i) shall include **at least one (1)** representative of eligible providers administering adult education and literacy activities under WIOA title II;
  - (ii) shall include **at least one (1)** representative of institutions of higher education providing workforce investment activities (including community colleges);
  - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.
- D. **Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
  - (i) shall include **at least one (1)** representative of economic and community development entities **in the LWDA**;
  - (ii) shall include ~~at least one (1)~~ appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
  - (iii) shall include ~~at least one (1)~~ appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;
  - (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
  - (v) may include (optional) representatives of philanthropic organizations serving the local area; and
- E. **Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.
- F. **County Representatives** - The CLEO must establish a LWDB that reflects the diversity of the counties that comprise the LWDA by requiring at least one (1) nomination per county. LWDB representation must be fair and equitable across the LWDA and is in accordance with WIOA policy regarding LWDB member nominations. LWDB members must exhibit the demographic diversity of the counties within their respective LWDA.



- (3) **AUTHORITY OF BOARD MEMBERS.**—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking **or hiring** authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas and demographic make-up, in accordance with the most recent US Census, within the local area, as much as possible.
- (4) **SPECIAL RULE.**—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

**§ 5.2 Standing Committees:** The Board, in accordance with WIOA Section 107(b)(4)(A), may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. The primary purpose of standing committees shall be to consider and recommend actions—and propose policies—in the functional areas under their jurisdictions, subject to final approval by the LWDB. Such standing committees shall have a Chair **and Vice-Chair** who is a member of the Board representing private business **and a Vice-Chair who is a member of the Board representing a private-business, labor organization, apprenticeship program, or economic and community development entity**; may include other members of the Board; and shall include other individuals appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (1) The American Job Center (AJC) Services Committee will provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners. This committee will oversee activities related to AJC Technology Services; Coordination with education providers; and Employer engagement functions as outlined in Section 4.1. This committee also supports the Career Development Services Team in their efforts to provide job seekers with opportunities to explore career options, identify barriers, access resources, develop skills, and apply for jobs and the Business Services Team in providing employers with opportunities to identify potential workers, assess skill gaps, and facilitate training of employees to meet employer needs.
- (2) The Outreach and Opportunities Committee will be responsive to the provision of services to individuals with particular service needs, such as veterans, youth ages 16-24, individuals with a disability, dislocated workers, offenders, and others with barriers to employment. The committee will lead local workforce development efforts in the functions related to Career pathways development by recommending alignment of employment, training, education, and supportive services and proven and promising practices identification in meeting the needs of customers of the **American Job Career** Center system and disseminating this information to the Board. This committee will also support the staff in seeking supplemental grant funds to support workforce development efforts in Northwest TN LWDA.
- (3) The Executive Committee shall have the authority to act on behalf of the Board between its business meetings, make recommendations to the Board, and such other duties as specified in these By-laws. The Executive Committee shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Executive Committee will be made up of the chairpersons of each of the aforementioned standing committees, the Vice-Chair of the Board, the Secretary, the Chief Local Elected Official, the Vice Chief Local Elected Official, and the Board Chair. The Board Vice-Chairperson will serve as the Chair of the Executive Committee. This committee will be instrumental in performing the following functions of the Board as outlined in Section 4.1 Development of the Local Strategic Plan: Workforce research and regional labor market analysis; Convening, brokering, and leveraging stakeholders; Program oversight; Selection of Operators and providers; Approval of providers for Eligible Training Provider List; Negotiation of local performance accountability measures; and Budget and administration. In keeping with the requirements for the Accessibility function of the Board outlined in Section 4.1 (13), this committee shall annually assess

the physical and programmatic accessibility of all one stop centers in the local area, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

- (4) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

**5.2.1** Members of Standing Committees not appointed to the Board may attend all meetings of the Board, but shall not have voting rights. Standing Committee members shall serve at the pleasure of the Board and shall advise and counsel the Board on appropriate matters.

**§ 5.3 Terms:** The terms of members of the Board shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for subsequent terms until the Board member properly notifies the Chairperson of the Board of the intent to no longer serve. **In accordance with Workforce Services Local Governance, documentation for renewal of a Local Board member's nomination or their conflict-of-interest form must be received within one (1) full calendar quarter following expiration. The CLEO will sign and submit a Renewal Form to extend the tenure of LWDB members in good standing. The Renewal Form must acknowledge:**

- The member's organization that they indicated on the nomination form,
- The member has a conflict-of-interest form signed within 365 days of membership renewal,
- The member has not violated the Local Board's bylaws that would bring cause to the termination of their appointment, and
- The member's new begin and end dates of service, in compliance with the term limits of the Local Board's bylaws.

**All member renewal due to change in employment must include a new nomination form and conflict-of-interest form signed by the LWDB member (if expired or not on file at the time of renewal).**

**§ 5.4 Board Vacancy:** Any vacancy occurring on the Board will be filled ~~in the period between the date of resignation and the date of the second subsequent meeting, no later than the subsequent~~ within one (1) full calendar quarter from ~~expiration or~~ the last official day that the member served on the LWDB, **including all documentation submitted, approved and confirmed.** This includes vacancies created by the removal of members for cause. LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term. Any action taken by the Board, with a vacancy or term expiration beyond the time period described in the by-laws must be approved through a waiver from the TDLWD prior to the Board meeting of such action. Waivers are to be requested in writing to the Assistant ~~Commissioner~~ Administrator of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

**§ 5.5 Removal:** Any member of the Board will be removed for cause by the Chief Elected Official (CLEO), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse and (d) failure to meet board member representation requirements defined in WIOA; (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting. Removal of a member requires a two-thirds (2/3) vote at the Board meeting, at which a quorum is present.

**5.5.1** Any board member missing three consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official.

**5.5.2** A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Officials immediately as a representative of that entity.

Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary. A Board member subject to removal will be notified, in writing, within fifteen (15) days of the decision and will be provided the reason for removal. A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. The appeal must be sent by certified mail (return receipt) to the CLEO in care of Executive Director, at 208 N. Mill Ave., Dyersburg, TN 38024. A committee of LEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

**§ 5.6 Resignation:** A member may resign his or her membership at any time by tendering his or her resignation in writing to the Chairperson, or in the case of the resignation of the Chairperson, to the Vice-Chairperson or the Secretary. A resignation shall become effective upon the date specified in such notice or, if no date is specified, upon receipt of the resignation by the Board.

**§ 5.7 Board Certification:** The TDLWD will certify that the composition of each LWDB, including the appointment process, complies with the criteria outlined in WIOA Section 107 and with the Workforce Services Policy – Local Governance. The composition of each LWDB will be evaluated quarterly by TDLWD staff and will coincide with State Workforce Development Board (SWDB) meetings.

**5.7.1** LWDB Recertification will be conducted by the TDLWD once every two (2) years to ensure the local workforce activities support meeting local performance measures, as outlined in the local grant agreement, to include LWDB composition requirements. If an LWDB meets all membership requirements but fails to meet all performance measures (90% of target or higher), certification will be granted for review period of one (1) year instead of two (2) years. At the end of the one-year review period, the recertification process will be repeated with an updated review of performance and membership composition. If this review shows the LWDB is meeting all performance measures, the regular two-year certification will be continued.

**5.7.2** The Governor shall have the authority to decertify a LWDB at any time after providing written notice and opportunity for comment, under the following conditions: (1) Documentation of fraud or abuse; (2) Failure to meet the local performance accountability measures for ~~2~~ three (3) consecutive program years; (3) Failure to meet all LWDB certification requirements; or (4) Failure to carry out the required functions of the LWDB. If the Governor decertifies a LWDB, the Governor may require that a new LWDB be appointed and certified for the LWDA. Certifying a new LWDB will take place pursuant to a reorganization plan developed by the Governor, in consultation with the LEOs, which is consistent with WIOA Section 107(b).

## Article VI: Officers

**§ 6.1 Board Officers:** There shall be a Chairperson, a Vice-Chairperson, and a Secretary of the Board, each of whom shall be elected in accordance with the provisions of this article (§ 6.2). In accordance with WIOA sec. 107(3)(A), the Chair and thus the Vice-Chair shall be representatives of business in the local area. The Board may also elect such other assistant officers as the Board may from time to time deem necessary or appropriate. Any two or more offices may be held by the same person, except for that of the offices of Chairperson, Vice-Chairperson, and Secretary.

**§ 6.2 Election and Term of Office:** The officers of the Board shall be elected every two years by the Board members, during the designated annual meeting. Each officer shall hold office for a term of two (2) years or until his or her resignation, death or removal from office in the manner provided in these By-laws. An officer may succeed himself or herself in office.

**§ 6.3 Board Chairperson:** The Chairperson of the Board shall

- (1) be elected from among the members of the Board;
- (2) be a representative of the private sector;



- (3) be designated as the Chairperson of the Board and shall in general be primarily responsible for the management of the programmatic affairs of the Board and for implementing the policies and directives of the Board;
- (4) preside at all meetings of the Board; and
- (5) have authority to **approve and** sign, with the Vice-Chairperson, Secretary or any other proper officer thereunto authorized by the Board, **Local Board budget**, contracts, proposals, **local and regional** plans, **selection and certification of One-Stop Operators and Career Service Providers**, **negotiated local performance measures**, **assessment of programmatic and physical accessibility** or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or these By-laws to some other officer or agent of the Board, or shall be required by law to be otherwise signed or executed. Each chairperson shall hold office until his or her term shall have expired and his or her successor shall have been elected and qualified, or until his or her resignation, removal from office, or death. A chairperson may succeed himself or herself. ~~The chairperson shall be natural persons who have attained the age of twenty-one (21) years.~~

**§ 6.4 Vice-Chairperson:** The Vice-Chairperson shall

- (1) be elected from among the members of the Board;
- (2) be a representative of the private sector;
- (3) preside over the Executive Committee meetings;
- (4) preside at all meetings of the Board during the absence or disability of the Chairperson of the Board;
- (5) be primarily responsible for the general management of the business of the Board and for implementing the policies and directives of the Board in the absence or disability of the Chairperson of the Board;
- (6) have authority to sign, with the Secretary or any other proper officer thereunto authorized by the Board, contracts, proposals, plans, or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or these By-laws to some other officer or agent of the Board, or shall be required by law to be otherwise signed or executed; and
- (7) perform such other duties as from time to time may be assigned by the Chairperson of the Board.

**§ 6.5 Secretary:** The Secretary shall perform the following functions or shall oversee staff to the Board to

- (1) keep the minutes of the proceedings of the Board;
- (2) ensure that all notices are duly given in accordance with the provisions of these By-laws;
- (3) keep a register of the mailing address and electronic addresses of each member of the Board, as furnished to the Secretary by each member; and
- (4) in general perform all duties pertinent to the office of Secretary and such other duties as may from time to time be assigned by the Chairperson of the Board.

**§ 6.6 Vacancies:** A vacancy in any office, as a result of death, resignation, removal, disqualifications, or otherwise, may be filled by the affirmative vote of a majority of the Board at a meeting, at which a quorum is present, for the unexpired portion of the term of his or her predecessor, and until the next election of officers at the boards annual meeting.

**§ 6.7 Recall of Officers:** Pursuant to Section 5.4 of these By-Laws the Board may by a two-thirds (2/3) vote at a meeting, at which a quorum is present, remove any officer when, in its judgment, the best interest of the Board will be served thereby. Intent to recall or remove an officer must be stated in the call of the meeting with notice provided to the officer to be removed and all other voting members at least five (5) days prior to the meeting.

**§ 6.8 Resignation:** An officer may resign his or her office at any time by tendering his or her resignation in writing to the Chairperson or, in the case of the resignation of the Chairperson, to the Vice-Chairperson, or Secretary. A resignation shall become effective upon the date specified in such notice, or if no date is specified, upon receipt of the resignation by the Board. An officer may resign his or her position as an officer of the board, but retain his or her position as a member of the board.

**§ 6.9 Board of Directors:** The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson from the Northwest and Southwest local areas and one regional private sector, labor organization, apprenticeship program, or economic and community development entity representative selected by the other Directors. The Northwest Board Chairperson will serve as the President, the Southwest Board Chairperson as Vice-President, and the regional private sector representative as Secretary of the entity selected to serve as Fiscal Agent/Staff to the Board. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the entity serving in the capacity of staff to the Board and Fiscal Agent. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

## Article VII: Meetings

**§ 7.1 Regular and Annual meetings:** The Board and its committees shall meet at least quarterly for the purpose of transacting business according to the current workforce development needs. There will be one board meeting designated as the annual meeting for the purpose of receiving annual reports from the Administrative Entity, electing officers of the Board and transacting any other Board business. The Chairperson shall fix the time and place and provide notice to all voting members prior to the meeting. The notice shall state the location or means of communication for the meeting (including conference telephone or electronic communications, wherein all Board members have access to the discussion and vote of all participating members), in addition to the time and date. The local board shall make available to the public, through electronic means and print media, notice of upcoming open meetings.

**§ 7.2 Special or Called Meetings:** Special meetings of the Board may be called by the Chairperson or at the request of the Executive Director. Special meetings may also be called upon the written request of five members of the Board. Special or called meetings may be held under certain circumstances where a pertinent issue needs to come before the Board prior to the next scheduled meeting. This meeting can take place by means of conference telephone or electronic communications, wherein all Board members have access to the discussion and vote of all participating members. The purpose of the meeting shall be stated in the notice and no other business shall be transacted at the meeting. The Chairperson shall fix the time and place and provide notice to all voting members at least five (5) business days prior to the meeting. The notice shall state the location or means of communication for the meeting, in addition to the time and date. The local board shall make available to the public, through electronic means and print media, notice of upcoming open meetings.

**§ 7.3 Quorums:** One-third (1/3) of the voting members of the Board will constitute a quorum for the transaction of business at any meeting thereof. Action of the Board must be authorized by the affirmative vote of a majority of all voting members present at a meeting at which a quorum is present.

**§ 7.4 Participation in Meetings:** Each regular Board member, shall be entitled to one (1) vote on any matter properly submitted for a vote to the Board. The affirmative vote of a majority of the members present at a meeting, at which a quorum is present, shall be the act of the Board, except as may otherwise be specifically provided by law, by the Charter, or by these By-laws. Members of the Board absent from any meeting shall be permitted to vote at such a meeting by written proxies. The members of the Board, or any committee designated by the Board, may participate in a meeting of the Board, or of such committee, by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear one another; and participation in a meeting pursuant to this provision shall constitute presence in person at such meeting. The members shall be furnished a copy of the minutes of the meetings of the Board prior to the next regularly scheduled meeting.

**§ 7.5 Open Meeting Requirement:** All meetings and actions of the Board must comply with the Tennessee Open Meeting Act, Tenn. Code Ann. 8-44-101 *et seq.*, along with WIOA Section 107(d), 20CFR 679.390, 20CRF 679.550(b)(5) and Tenn Code Ann 10-7-503(a)(2)(A)(B). Public records must be open to public scrutiny and transparency and accountability must be a part of the function and duties of the LWDB. Business conducted in an

open manner and with accommodations when needed ensures that the public, including people with disabilities, can access information concerning board meetings. The following local policy is set forth:

- Notice of Northwest TN LWDA Board Meetings, including location, date, and time, will be posted on the Board's website and social media page, ~~sent to area newspapers as a public service announcement~~, and be emailed to Board Members and Local Elected Officials for distribution thirty (30) days prior to the meeting ~~and will also serve as public outreach to encourage community engagement.~~
- Board meetings will be conducted in an open manner and available to the public.
- Arrangements will be made upon request for all individuals, including those with disabilities to have physical and electronic access to Board meetings, including appropriate accommodations, such as documents in Braille and large print, sign language interpreters, wheelchair accessibility, and closed captioning.
- WIOA Section 107(e)—along with 20 CFR 679.390—states that LWDBs must make available to the public, on a regular basis through electronic means and open meetings, certain information such as minutes of formal LWDB meetings. Unless otherwise provided by State law, minutes of Board meetings will be made available to the public upon request and will also be available on its website within fifteen (15) business days of the Board's approval of the meeting minutes. Only the formal minutes will be posted on the website; no attachments of presentations at the board meeting will be posted unless the Local Board believe that these attachments are necessary.
- Along with the board minutes, the LWDB must provide the updated LWDB roster to be uploaded on the LWDB's website ~~by the next quarterly calendar board meeting. Failure to do so will result in technical assistance. Multiple offenses may result in a corrective action plan or sanction. The State will maintain and internal comprehensive roster sheet for monitoring purposes.~~ The public-facing roster must include the following information:
  - The name of the LWDB,
  - The date the member was confirmed to serve on the LWDB,
  - The member's first and last name,
  - The member's county of ~~residence~~ representation, and
  - The organization the member represents.
  - ~~The beginning and end dates of the member's conflict of interest statement;~~
  - ~~The category the member represents;~~
  - ~~The nominator's first and last name;~~
  - ~~The organization the nominator represents, and~~
  - ~~Whether the member serves on the Executive Committee.~~

**§ 7.6 Presumption of Assent:** A member of the Board who is present at a meeting of the Board at which action on any Board matter is taken shall be presumed to have assented to the action taken, unless his or her dissent shall be entered in the minutes of the meeting, or unless he or she shall file his or her written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof, or forward such dissent by registered mail to the Secretary of the Board immediately after the adjournment of the meeting. Such right to dissent shall not apply to a member who voted in favor of such action.

**§ 7.7 Expenses and Compensation:** No member shall be entitled to receive compensation for services rendered to the Board, as a member of the Board or as a member of any committee thereof. However, upon prior approval by the Board, a member may be paid for reasonable expenses incurred by the member, which directly related to the affairs of the Board upon proper substantiation of such expenses. No such payments shall preclude any member from serving the Board in any other capacity and receiving compensation therefore.

**§ 7.8 Vote by Proxy:** Any member of the Board may proxy to another sitting board member by completing and filing the Member Proxy Form. Duly executed proxies must be filed with the Board Chairperson prior to the commencement of the board meeting in which the board member is to be absent. The board member accepting such proxy must be in good standing with the Northwest Tennessee Workforce Board. Any Board member may proxy to another Board member once per year. TDLWD policy prohibits proxy voting more than once per calendar year without written approval from the Board Chair. Such proxies shall be considered valid votes in matters considered by the Board, and shall constitute member participation in absentia.

## Article VIII: Staff to the Board

**§ 8.1 Staff:** In general, the Board and/or the fiscal agent may hire an executive director and other staff to assist in carrying out the functions described in WIOA sec. 107, subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4). Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director. The Executive Director is authorized to appoint additional staff to carry out the functions of the Board and Fiscal Agent.

**§ 8.2 Qualifications:** The Board and/or the fiscal agent shall establish and apply a set of objective qualifications for the position of director that ensures the individual selected has the requisite knowledge, skills, and abilities to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

**§ 8.3 Limitation on Rate:** The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

## Article IX: Amendment of the By-Laws

**§ 9.1 Amendment of By-Laws:** These By-Laws may be altered, amended, or repealed, upon the affirmative two-thirds (2/3) vote of the voting members of the Board at any regular meeting at which a quorum is present, provided that the amendment has been submitted to the voting members of the Board in writing two weeks prior to the meeting at which the vote on the amendment(s) is to be taken.

## Article X: Conflict of Interest

**§ 10.1 Conflict of Interest:** Board members and members of Standing Committees shall adhere to the following in regard to conflict of interest- WIOA Sec. 102 (b)(2)(E)(i) and Sec. 107 (h)(1)(2). A Board member may not vote on or participate in any decision-making regarding any matter that would provide direct financial benefit to the member, the members' immediate family, or any organization the member is or a member represents, or on matters of the provision of services by the member or the entity the member represents.

- (1) Board members shall avoid even the appearance of a conflict of interest. Prior to taking office, Board members must provide to the Board Chair a written declaration of all substantial business interests or relations they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Board. Such declarations shall be updated annually ~~or within 30 days of changes in business~~ to reflect any changes in such business interests or relationships. The Board shall appoint an individual to timely review the disclosure information and advise the Local Board Chair and appropriate members of potential conflicts. Board members shall recuse themselves from official board duties if they are involved in a conflict of interest.
- (2) Declarations must be maintained by the Board staff for five (5) years from the original signature date. TDLWD staff will conduct an annual on-site review of all LWDB member's conflict of interest forms in each LWDA. All LWDB member's conflict of interest forms must be available to staff conducting the on-site review and must be verified as current during the review. Expired conflict of interest forms will be noted and documented as a finding.
- (3) LWDB staff must monitor the expiration dates for all LWDB members.
- (4) Prior to a discussion, vote, or decision on any matter before the Board, if a member, or a person in the immediate family of such member, has a substantial interest in or relations to a business entity, organization, or property that would be affected by any official Board action, the member shall disclose the nature and extent of the interest or relationship and shall abstain from discussion and voting on or in any other way participate in the decision on the matter. Board members shall seek the opinion of the

- Board if there are any doubts whether specific situations involve a conflict of interest. All abstentions shall be recorded in the minutes of the Board meeting and be maintained as part of the official record.
- (5) It is the responsibility of the Board Chair to monitor the potential conflict of interest and bring it to the Board's attention in the event the member does not make a self-declaration.
  - (6) The CLEO is prohibited from appointing members to the LWDB that are employed by the Fiscal Agent, LWDB staff, or LWDB staff entity (e.g. OSO, or CSP).
  - (7) The Board shall ensure that the Board, its members or its employees do not directly control the daily activities of its workforce service providers, its workforce system partners, or its contractors.
  - (8) Board members or their organizations may receive services as a customer of a local workforce service provider.
  - (9) Board members shall not accept bribes, kickbacks or any gift, rebate, money or anything of value whatsoever, or any promise, obligation or contract for future reward, compensation, property or item of value, including intellectual property, for the purpose or result of causing detriment to another and/or bringing about some benefit to oneself or others.
  - (10) The Board shall select or designate an organization to perform duties related to WIOA such as developing a written agreement with the Board and Local Elected Official, which shall clarify how the organization will carry out its multiple responsibilities while demonstrating compliance with WIOA, corresponding regulations, relevant Office Management and Budget circulars, and with the Workforce Services Policy - WIOA (Conflict of Interest Policy), minimize fiscal risk, and develop appropriate steps within the single entity performing multiple functions.
  - (11) In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient "firewalls" and conflict of interest policies and procedures consistent with the Workforce Services Policy - WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.
  - (12) The Board shall also ensure training concerning internal conflicts of interest for any entities directly involved with making assessments and determining the eligibility of participants. Documentation of training must be maintained and made available for review and audit purposes.

## **Article XI: Compliance with Law**

**§ 11.1 Compliance with Law:** The Board acknowledges that in execution of its business, the Board shall:

- (1) Comply with all applicable Tennessee statutes and regulations including, but not limited to, the governing procurement standards or regulations for the LWDA, Sunshine Law, and the State Travel Regulations;
- (2) Comply with Workforce Innovation and Opportunity Act of 2014 (WIOA) and other appropriate regulations, as well as, policies and directives from the Tennessee Department of Labor and Workforce Development and the State Workforce Board.
- (3) Local Boards shall be subject to TCA 10-7-503(a)(2)(A)(B):
  - (2)(A) Records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.
  - (2)(B) The custodian of a public record or the custodian's designee shall promptly make available for inspection any public record not specifically exempt from disclosure. In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days, from the date of the Local Board meeting:
    - (i) Make the information available to the requestor;
    - (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or

- (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce the record or information.

## Article XII: Rules of Order

**§ 12.1 Rules of Order:** The Board will adhere to Robert's Rules of Order; Revised. In the Event any provision of these By-Laws conflict with Robert's Rules of Order; Revised, the provisions of these By-Laws shall govern.

### Signatures

*Revisions approved by Northwest Tennessee Workforce Board on 5/23/2023*

*As signed by:*

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Mr. Jimmy Williamson, Chairman  
1230 S Main Dyersburg, TN 38024  
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[jimmy\\_williamson@att.net](mailto:jimmy_williamson@att.net)

Date

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Date

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Date

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John Penn Ridgeway, Chief Local Elected Official  
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Date



# LOCAL ELECTED OFFICIALS AND LOCAL WORKFORCE DEVELOPMENT BOARD PARTNERSHIP AGREEMENT

## Northwest Tennessee Local Elected Officials Northwest Tennessee Workforce Board

In accordance with Workforce Innovation and Opportunity Act (WIOA) of 2014, Section 107(b)(1), the Governor, in partnership with the State Workforce Board shall establish criteria for the appointment of Local Workforce Development Board members by the Local Elected Officials. The Tennessee Department of Labor and Workforce Development (TDLWD), as the designated representative of the Governor, provides guidance on the required inclusions of such an agreement. For Northwest TN Workforce Development Area (NWTN WDA), the Local Elected Officials (LEOs) include the county mayors/executives from the following counties in Tennessee: Benton County, Carroll County, Crockett County, Dyer County, Gibson County, Henry County, Lake County, Obion County, and Weakley County.

Whereas, the local elected officials, within the meaning of the Workforce Development Act, are the County Mayors/Executives of each county referenced above; and,

Whereas, the WIOA requires the establishment of a Local Workforce Development Board (LWDB) to provide policy guidance for, and exercise oversight with respect to, activities under the job training program for its workforce development region in partnership with the general local governments within its LWDA; and,

Whereas, per WIOA Section 107(c)(1)(A), it is the responsibility of the Chief Local Elected in the LWDA to appoint members of the Local Workforce Development Board in accordance with the WIOA and an Agreement entered into by the County Mayor of each county.

The following provisions, as included in the Local Elected Official Interlocal Agreement, the Northwest TN Workforce Board Bylaws, Tennessee Department of Labor and Workforce Development Services Policy - Interlocal and Partnership Agreements and Local Workforce Development Board Nomination Process, are agreed upon by all parties to this agreement:

### **1. Local Board Membership**

WIOA Section (107)(c)(1)(A) authorizes the CLEO to appoint the members of the LWDB in accordance with the criteria established under Section 107(b) of the WIOA. Authority to appoint members to the LWDB lies solely with the Chief Local Elected Official. As ex-officio members of the Board, the local elected officials have all rights and privileges stated within the bylaws of the Northwest TN Workforce Board.

**Membership:** The number of the members of the Board shall be not less than the minimum number required under the Act as set forth in the Workforce Innovation and Opportunity Act of 2014, as amended from time to time. The number of members may be increased or decreased from time to time by the chief elected officials of the counties within the LWDA, but no decrease shall have the effect of shortening the term of an incumbent officer or member or reducing the number of members below the minimum number required under the Act.

The Local Elected Official of each of the counties encompassed within the LWDA may solicit nominations of members of the Board in accordance with the criteria established by the Governor of the State of Tennessee as described in Workforce Services Policy – Local Governance, as amended from time to time, and in accordance with the requirements of LWDB composition as described below.

A majority of the members of the local board shall be representatives of the private sector as described in paragraph (2)(A) in the WIOA, Section 107. The local elected officials within the

LWDA may execute an agreement that specifies the respective roles of the individual local elected officials (a) in the appointment of the members in accordance with the criteria established as provided below; and (b) in carrying out any other responsibilities assigned to such officials under the Workforce Innovation and Opportunity Act of 2014.

The Governor, in partnership with the State board, shall establish criteria for use by chief local elected official in a LWDA for appointment of members of the Board. Such criteria shall require that, at a minimum—

- (a) **Representatives of Business** - a minimum of 51% of the members of each local board shall be representatives of business in the local area, who—
  - (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;
  - (ii) represent businesses, including small businesses (at minimum 2 members), or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and
  - (iii) are appointed from among individuals nominated by local business organizations and business trade associations;
- (b) **Labor Organization Representatives** - A minimum of 20% of the membership shall be representatives of the workforce within the local area, who—
  - (i) shall include two (2) or more representatives of labor organizations nominated by local labor federations in local areas where employers are represented by labor organizations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;
  - (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;
  - (iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and
  - (iv) may include (optional) representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of WIOA eligible youth, including representatives of organizations that serve out of school youth;
- (c) **Representatives of Education & Training** - each local board shall include representatives of entities administering education and training activities in the local area, who—
  - (i) shall include a representative of eligible providers administering adult education and literacy activities under WIOA title II;
  - (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
  - (iii) may include (optional) representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;
- (d) **Representatives of Government, Economic and Community Development** - each local board shall include representatives of governmental and economic and community development entities serving the local area, who—
  - (i) shall include a representative of economic and community development entities;
  - (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
  - (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;



- (iv) may include (optional) representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
- (v) may include (optional) representatives of philanthropic organizations serving the local area; and
- (e) **Discretionary Representatives** - each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.

**SPECIAL RULE.**—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (c), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

**Terms:** The terms of the Board membership shall be four (4) years. Member terms will be staggered so all terms do not expire at the same time. Members in good standing will automatically renew for an additional four (4) year term until the Board member properly notifies the Chairman of the Board of the intent to no longer serve. The CLEO will make all reappointments of LWDB members by one full quarter of the term of expiration.

**Nomination:** Nominations shall be solicited by the Chief Local Elected Official from entities of business, government or community development. Nominations must come from the heads of organizations—specifically those representing businesses, labor, education, and economic and community development—to align the workforce and education needs within the State. The CLEO acts as the signatory on behalf of the other LEOs and has final authority to select members to serve on the LWDB. To approve the nomination of each individual selected to serve on the LWDB, the following documentation is required:

- A Nomination Form signed by the CLEO; and
- A Conflict of Interest Form signed by the nominee to the LWDB; and
- A recommendation letter from the head of the organization the nominee represents, a Chamber of Commerce within the LWDA, or the LEO for the nominee's county. This letter must identify the individual being nominated and must also acknowledge the nominee's optimum policymaking authority, as it aligns with a curriculum vita, resume, or work history, to support the qualifications of the nomination.

Additionally, the LWDB officers and CLEO shall ensure that the composition of the LWDB reflects the demographics of the LWDA in accordance with the most recent US Census and represents diverse geographic areas within the local area, as much as possible, by requiring at least one (1) nomination per county.

**Prohibition:** Staff to the Board, Fiscal Agent staff, staff employed by One-Stop Operators, and contracted service providers shall be prohibited from both nominating members to the board or serving on the board to avoid conflicts of interest.

**Appointment and Certification:** LWDB member appointments must be signed by the appointing CLEO and submitted to the Staff to the Board using the appropriate Workforce Development Board Nomination Form. Completed nomination forms and required documents as listed above must be submitted to the Tennessee Department of Labor and Workforce Development at [Workforce.Board@tn.gov](mailto:Workforce.Board@tn.gov) for review. Once the form has been reviewed the Local Board will receive a follow-up letter of certification or denial within five (5) business days; the letter will also make a request for additional information when submitted documentation is insufficient to make a determination. The member must not be seated on to the Local Board until a certification letter from TDLWD has been received to affirm the nomination.

**Change in Status:** A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative

of that entity. Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary.

**Mid-Term Appointment:** LWDB members replacing out-going individuals at mid-term will serve the remainder of the out-going member term.

**Vacancies:** Any vacancy occurring on the Board will be filled in a reasonable time period, as defined as the period between the date of resignation and the date of the second subsequent regularly scheduled Board meeting, no later than the subsequent calendar quarter from the last official day that the member served on the LWDB. The CLEO in a LWDA is authorized to make all reappointments of members. Any action taken by the Board, with a vacancy or term expiration beyond the time period described in the by-laws must be approved through a waiver from the TDLWD prior to the Board meeting of such action. Waivers are to be requested in writing to the Assistant Commissioner of Workforce Services with an explanation of why a vacancy was not filled in the defined timeframe and a description of the process underway to fill the vacancy.

**Removal:** Any member of the Workforce Development Board will be removed for cause by the Chief Local Elected Official (CLEO), if any of the following occurs: (a) documented violation of conflict of interest; (b) failure or refusal to work cooperatively with the Board and to abide by the By-Laws as stated in 5.4; (c) documented proof of fraud and/or abuse; (d) failure to meet Board member representation requirements as defined in WIOA; and (e) other causes as determined by the Board. Removal of a member shall also constitute removal as an officer of the Board and as a member of all committees of the Board. Intent to remove a member must be stated in the call of the meeting and be provided to all voting members at least five (5) days prior to the meeting. Removal of a member requires a two-thirds (2/3) vote at the Board meeting, at which a quorum is present.

Any board member missing three (3) consecutive meetings may be replaced at the sole discretion of the Chief Local Elected Official.

A member who has a change of employment that results in a change of membership classification must resign or be removed by the Chief Local Elected Official immediately as a representative of that entity.

Documentation of Board member violation and subsequent removal will be maintained by the LWDA in the form of attendance logs, conflict of interest forms and other documentation deemed necessary. A Board member subject to removal will be notified, in writing, within fifteen (15) days of the decision and will be provided the reason for removal. A Board member subject to removal may appeal by submitting a letter in writing within 30 days of notice of removal to the CLEO stating reasons to remain as an active member of the Board. The appeal must be sent by certified mail (return receipt) to the CLEO, in care of Executive Director, at 208 N. Mill Ave., Dyersburg, TN 38024. A committee of LEOs will review the appeal and make a decision prior to the next scheduled date of the Board.

## **2. Relationship Between Chief Elected Officials and the Local Workforce Development Board**

**Local Plan Requirements:** Consistent with Section 108, NWTN WDA, in partnership with the local elected officials for the local area involved, shall develop and submit a local plan to the Governor that is consistent with the State's Plan. Upon issuance of guidance from the Tennessee Department of Labor and Workforce Development, the Staff to the Board, in conjunction with the LWDB and LEOs, shall develop all Agreements, Memorandums of Understanding, Assurances and other documents required by Workforce Innovation and Opportunity Act legislation and Tennessee Department of Labor and Workforce Development Workforce Services Division policies. Additionally, the local strategic plan will be published for public comment for a minimum of fifteen days upon approval by the LWDB and prior to submission to the State Workforce Board. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2).

**Budget and Approval:** Annually, in accordance with WIOA Section 107(12)(A), the LWDB will develop the LWDA budget upon notification of allocations from the Tennessee Department of Labor and Workforce Development. The LWDB will approve the budget by majority vote and present to the LEOs for approval by a majority vote. The Executive Director will advise the Board Chairman and CLEO of additional funding opportunities and special projects between regular meetings and report opportunities and projects to the standing committees for presentation to the full board, including LEO at regular meetings.

**Workforce System Operator and Service Provider(s):** Consistent with WIOA Section 107(d)(10) and the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, LWDBs, in consultation with the LEOs, are responsible for the oversight and selection of the Operator and Career Service Provider(s) of the local Workforce System. In accordance with the Regional Planning Council, LWDBs must designate an Operator for their LWDA that will ensure seamless service delivery within each center. Consistent with section 121(d), the local board, with the agreement of a majority vote of local elected officials for the local area—

- (i) shall designate or certify one-stop operators and service providers as described in section 121(d)(2)(A); and
- (ii) may terminate for cause the eligibility of such operators and services providers as documented through regular monitoring and oversight, and reporting to the Board, as outlined in the Board's policies.

In order to conduct a competitive process for the selection of a one-stop operator and service providers in accordance with 121(d)(2)(A), the Board, with the agreement of the LEOs, shall issue a Request for Proposals for a designated time period, with public notice being provided through print media and / or electronic means. Proposals received shall be reviewed by a committee approved by the Board and LEOs. The review committee shall make a recommendation to the Board and CLEO for selection of the Operator and service provider(s). The selected Operator and service provider(s) shall enter into a contract with the Board as developed by the fiscal agent.

In the event the Board is selected as a One-Stop Operator, through a competitive process conducted by a third party, the Board shall establish sufficient “firewalls” and conflict of interest policies and procedures consistent with the Workforce Services Policy - WIOA (Conflict of Interest Policy). The Board shall also ensure that all new staff members and providers are informed about this policy, and that appropriate staff members are familiar with it and its requirements in order to prepare state or local plans and the conflict of interest policy.

**Standing Committees:** In accordance with WIOA Section 107(b)(4)(A), the Board may designate and direct the activities of standing committees to provide information and to assist the Board in carrying out activities authorized in this section. The primary purpose of standing committees shall be to consider and recommend actions—and propose policies—in the functional areas under their jurisdictions, subject to final approval by the LWDB. Such standing committees shall have a Chair and Vice-Chair representing private business; may include other members of the Board; and shall include other individuals appointed by the Board who are not members and who are determined to have appropriate experience and expertise. At a minimum, the Board may designate each of the following:

- (i) The American Job Center Services Committee;
- (ii) The Outreach and Opportunities Committee;
- (iii) The Executive Committee; and
- (iv) When deemed necessary or appropriate the chairperson of the Board shall have the authority to appoint temporary or ad hoc committees, including the chairperson of said committee, for the purpose of special projects.

**Board of Directors:** The Board of Directors includes the Chief Local Elected Official, the Vice Chief Local Elected Official, the Board Chairperson, the Vice Board Chairperson from the Northwest and Southwest local areas and one regional private sector representative selected by the other Directors. The Northwest Board Chairperson will serve as the President, the Southwest Board Chairperson as Vice-President and the

regional private sector representative as Secretary of the entity selected to serve as Fiscal Agent/Staff to the Board. The Board of Directors will serve as the administrative authority in oversight of day-to-day operations in conducting the functions of the board and fiscal agent. The Board of Directors shall have the authority to supervise and manage the employees of the Northwest Tennessee Workforce Board, Inc. serving in the capacity of staff to the Board and Fiscal Agent. The Board of Directors shall be subject to the order of the Board, and none of its acts shall conflict with these By-laws or stated policies of the Board. The Board of Directors shall be responsible for ensuring board actions comply with federal, state and local laws, regulations and policies.

**Local Board Policy:** As the Staff to the Board finds the need to adopt, amend or discard local policy regarding services and functions for consumers of training and educational services allowed by the Workforce Innovation and Opportunity Act, the Staff to the Board will either consult with the Board of Directors, a Standing Committee of the LWDB or present directly to the LWDB on the need for policy implementation or amendment. At such point where it is appropriate, the Committee will make a recommendation to the LWDB, which includes the LEOs of all counties in NWTN WDA, to respond to the policy consideration. The LWDB, with the ability and flexibility to make decisions regarding local and regional workforce development needs, will adopt or disallow the policy consideration by a majority of its voting members. All policies will reflect the signature of the LWDB Chair to demonstrate that they have been formally reviewed and approved by the LWDB.

### 3. **Local Board Roles and Responsibilities**

**In partnership with the Local Elected Officials and the Local Workforce Development Board, consistent with WIOA Section 107(d)8, the following roles and responsibilities will be:**

- (a) **LOCAL PLAN** – Develop and submit a Strategic Plan in partnership with the Local Elected Officials (LEOs) (as defined in 29 - 29 USC 3123) within the LWDA for submission to the Governor of the State of Tennessee. If the local area is part of a planning region that includes other local areas, the Board shall collaborate with the other local boards and chief elected officials in preparation of a regional plan as described in section 106(c)(2);
- (b) **WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS** – In order to assist in the development and implementation of the local plan, the Board shall:
  - (i) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) and regularly update such information; and
  - (ii) Assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, specifically in the collection, analysis, and utilization of workforce and labor market information; and
  - (iii) Conduct other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders.
- (c) **CONVENING, BROKERING, LEVERAGING** – The Board shall convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources.
- (d) **EMPLOYER ENGAGEMENT** – The Board shall lead efforts to engage with a diverse range of employers:
  - (i) To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board; and
  - (ii) To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; and
  - (iii) To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

- (iv) To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships).
- (e) **CAREER PATHWAYS DEVELOPMENT** – The Board, with representatives of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.
- (f) **PROVEN AND PROMISING PRACTICES** – The Board shall lead efforts to:
  - (i) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
  - (ii) Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.
  - (i) **TECHNOLOGY** – The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—
    - (ii) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
    - (iii) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
    - (iv) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
    - (v) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
- (g) **PROGRAM OVERSIGHT.**—The local board, in partnership with the local elected officials for the local area, shall conduct oversight of the One-Stop System, including all WIOA activities and —
  - (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
  - (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
  - (iii) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.
- (h) **NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.**—The local board, the local elected officials, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).
- (i) **SELECTION OF ONE-STOP OPERATORS.**—Consistent with section 121(d), the local board and the LEOs, with the agreement of the chief elected official for the local area—
  - (i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
  - (ii) may terminate for cause the eligibility of such operators.
- (j) **SELECTION OF YOUTH PROVIDERS.**—Consistent with section 123, the local board—
  - (i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and
  - (ii) may terminate for cause the eligibility of such providers.
- (k) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.**—Consistent with section 122, the local board shall identify and include eligible providers of training services in the

local area on the Statewide Eligible Training Provider List which includes cost and performance data.

- (l) **IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.**—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
- (m) **CONSUMER CHOICE REQUIREMENTS.**—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- (n) **COORDINATION WITH EDUCATION PROVIDERS.**—
  - (i) **IN GENERAL.**—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).
  - (ii) **APPLICATIONS AND AGREEMENTS.**—The coordination described in subparagraph (A) shall include—
    - consistent with section 232— reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and making recommendations to the eligible agency to promote alignment with such plan; and
    - replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

**COOPERATIVE AGREEMENT.**—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.
- (o) **BUDGET AND ADMINISTRATION.**—
  - A. **BUDGET.**—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of a majority of the local elected officials and submitted to the Tennessee Department of Labor and Workforce Development (TDLWD) prior to each program year in accordance with Workforce Services Policy – Local Governance.
  - (i) **ADMINISTRATION.**—
 

**GRANT RECIPIENT.**—

    - **IN GENERAL.**—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

- **DESIGNATION.**—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).
- **DISBURSAL.**—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

**GRANTS AND DONATIONS.**—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

**TAX-EXEMPT STATUS.**—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

- (p) **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.**— The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.), of all one stop centers in the local area. Assessments will be formally conducted through the certification process, to include an ADA review from Vocational Rehabilitation. Continued compliance will be ensured through monitoring and oversight of the One-Stop Operator and service provider(s), which may include periodic site visits.

Note: Except as provided in sec. 107(g)(1)(B), pursuant to a request from the local board, the Governor may grant a written waiver of training prohibition, no local board may provide training services.

**Other LWDB roles and responsibilities include:**

- (a) Elect a private-sector business representative as LWDB Chair; and
- (b) In accordance with WIOA Section 107(f) the Board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

**QUALIFICATIONS.**— The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.

**LIMITATION ON RATE.**—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

**APPOINTMENT.**—Pursuant to the above, the Board of Directors are authorized to appoint an Executive Director of the Northwest Tennessee Workforce Board, Inc. and additional staff to carryout the functions of the Board and Fiscal Agent.

- (c) Create an annual report that must be submitted to the State Office as per guidelines established by the TDLWD; and
- (d) Promote American Job Center programs and activities; and
- (e) Assist the State Office in developing the statewide employment statistics system under the Wagner-Peyser Act; and
- (f) Coordinate with economic development strategies and establish employer linkages with workforce development activities; and
- (g) Carry out regional planning responsibilities as required by the TDLWD; and
- (h) Conduct business in an open manner by making available to the public information about the activities of the LWDB, including the local Strategic Plan before submission, membership, designation of the local Workforce System Operator, the awards of grants or contracts, and minutes of LWDB meetings.

#### 4. **Communication**

Whenever a party desires to give notice unto the other, notice must be given in writing or electronic communication. Notices of quarterly meetings of the LWDB will be sent to all LEOs as an invitation to meet jointly with the LWDB. These notices will be sent through electronic means by a designated member of the staff to the Board. There will be one meeting designated as the annual meeting for the purpose of receiving annual reports from the Staff to the Board, electing officers of the Board and transacting any other Board business. Called meetings will be held as deemed necessary and will be coordinated by the Board Chair or CLEO with assistance from staff to the Board. Meeting Agendas are set in consultation with the Board Chair and CLEO and will include Board Committee Reports, as well as, an "Other" agenda item to promote membership contribution. The LEOs serve as ex-officio members of the Northwest TN Workforce Board and are encouraged to attend all meetings to communicate shared goals and assure that the vision and needs of their communities are addressed. Detailed reports are provided to the American Job Center Committee and Outreach and Opportunity Committee to assure resources are utilized for workforce development across the LWDA. The committees report to the full board at quarterly meetings.

#### 5. **Oversight and Performance Review**

A primary function of the LWDB and LEOs is to provide oversight. The Staff to the Board, including the Executive Director, Director of Finance & Administrative Services, and the Director of Performance & Compliance, provide detailed fiscal, monitoring, and performance reports for the LWDA and One-Stop Operator to the appropriate Standing Committee of the LWDB throughout the year. Each standing committee provides a report to the full LWDB. The Executive Committee, which includes members of the LEOs, reviews the fiscal, monitoring, and performance reports to assure the One-Stop system maintains an efficient and effective capacity to serve the LWDA, and to ensure each county's workforce goals and needs are addresses according to the local plan. A Financial Status report including budget and expenditures is included on the agenda for each workforce board meeting. In addition to local instruments, the Staff to the Board includes oversight information provided by the State such as Report Cards, Dashboards, Score Cards, etc. to communicate performance related to fiscal, monitoring and oversight of the programs.

#### 6. **Amendments, Changes, Term, Disputes and Election**

**Modification, Amendment or Alteration:** It is agreed that no modification, amendment or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. Any amendment or change to the Partnership Agreement, notice of an election of a new CLEO/LEO or notice of an election of a new LWDB Chair shall be maintained by the LWDA Staff to the Board and be available for review by the Tennessee Department of Labor and Workforce Development.

**Effective/Termination/Duration of Agreement:** This Agreement and any amendments hereto shall be effective between and among each county adopting this Agreement as of the specified effective date, pursuant to the Governor's designation of the aforementioned nine (9) counties, for execution of activities authorized by the Workforce Innovation and Opportunity Act. This Agreement becomes effective upon acceptance by all parties for execution of activities authorized by the Workforce Innovation and Opportunity Act and shall remain in force until such time as the Chief Local Elected Official or Board Chairman calls for a modification, amendment, alteration of the terms or conditions contained herein or a maximum of two (2) years from the latest fully executed agreement.

**Dispute Resolution:** In the event that an impasse should arise between the LEOs and the Board regarding the terms and conditions, the performance, or administration of this Agreement, the parties agree to attempt to resolve disputes by mutually satisfactory negotiations in lieu of litigation. To this effect, they shall consult and negotiate with each other in good faith, and recognizing their mutual interests, attempt to reach a just and equitable solution satisfactory to all parties. After discussion of all disputed items, the Executive Committee of the Board, which includes members of both parties, will vote, with the majority ruling. The




committee shall be the final adjudicator and report the resolution to the full Board and LEOs. Continued performance during disputes is assured.

**Election:** A newly elected Board Chair or CLEO, either participating as a signatory on the Agreement or as a participating LEO, shall submit an addendum acknowledging that he or she has read, understands, and will comply with this Agreement, and reserves the option to request negotiations to amend the Partnership Agreement at any time during the official's tenure as a LEO.

7. **Authorized Signatures**

This Agreement shall be effective July 1, 2022–June 30, 2024, and is entered into by and on the behalf of:

  
Jimmy Williamson, Chairman, Northwest TN Workforce Board  
1230 S Main  
Dyersburg, TN 38024  
(731) 288-6001  
jimmy\_williamson@att.net

5/17/2022  
Date

  
Gary Reasons, Chief Elected Official, Northwest TN Consortium of LEOs  
Crocket County Mayor  
1 South Bells, Suite 3  
Alamo, TN 38001  
(731) 696-5460  
crockettcountymayor@gmail.com


5-17-22  
Date

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1230 S Main  
Dyersburg, TN 38024  
(731) 288-6001  
jimmy\_williamson@att.net

5/17/2022  
Date

DocuSigned by:



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5/25/2022

John Penn Ridgeway, Elected Chief Elected Official, Northwest TN Consortium of LEOs Date

**County Mayor - Henry County**

Street Address: 101 W. Washington St.

City, State, Zip Code: Paris, TN 38242

Phone Number: 731-642-5212

Email Address: jpridgeway@henrycountyttn.org

## Eligible Training Provider List (ETPL) Program Applications

Provider Name	Program Name	Completion Level	Lightcast Occupational Title	2023 Jobs	2028 Jobs	2023 -2028 Openings	Average Annual Openings	Average Hourly Earnings
Dyersburg State Community College	Basic Emergency Medical Technician	Certificate	Emergency Medical Technicians	104	111	7	10	\$14.92
	Advanced Emergency Medical Technician	Certificate						

# Northwest TN Workforce Board

Strategic Discussions  
Workforce Board Survey  
Labor Force Participation Rate  
Led by: Margaret Prater, Workforce Consultant

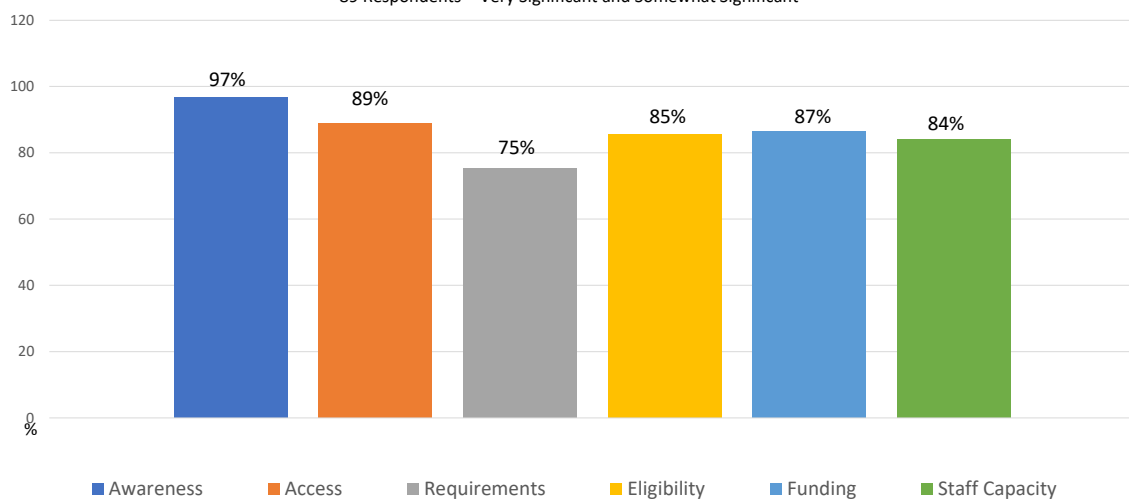
Northwest TN Labor Force Participation Rate – March 2023 per [www.tn.gov](http://www.tn.gov)

Benton County – 52.3%	Carroll County – 50.1%	Crockett County – 60.1%
Dyer County – 54.8%	Gibson County – 51.9%	Henry County – 50.6%
Lake County – 42.1%	Obion County – 50.9%	Weakley County – 57.4%
United States – 62.6%	Tennessee – 59.5%	TN Governor's Goal – 65%

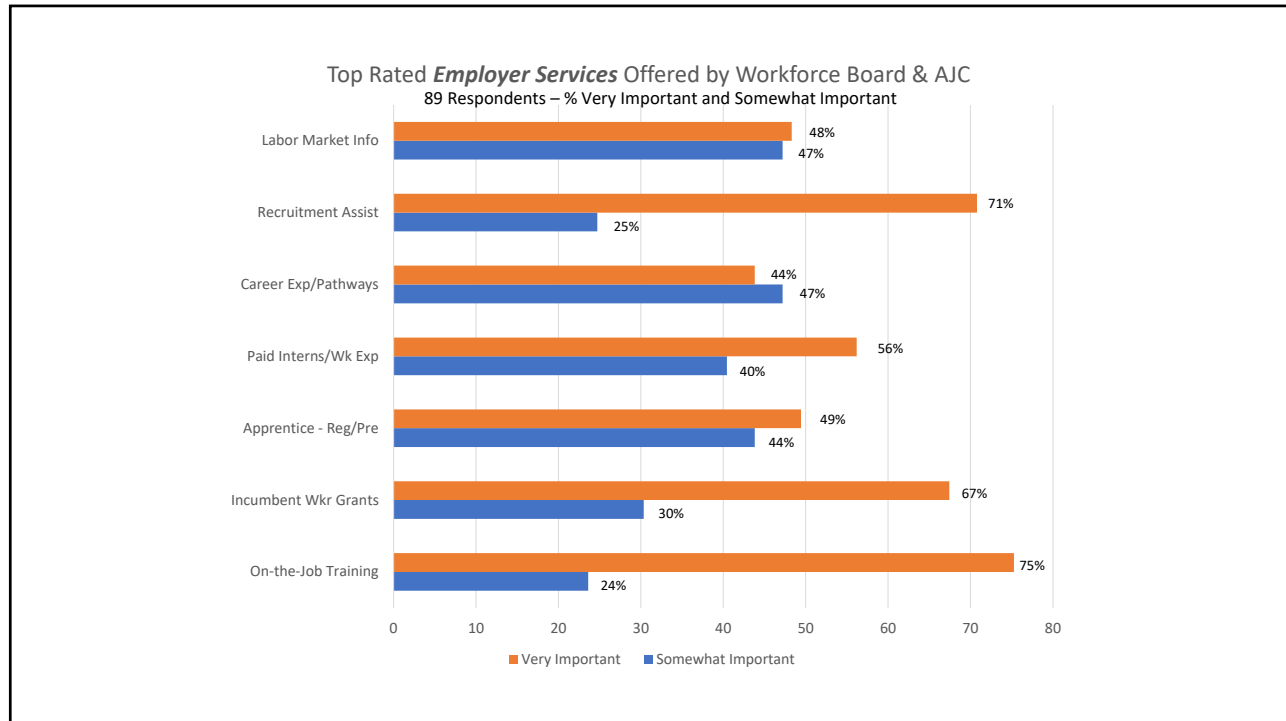
1

## Barriers for Individuals and Employers to Access Services of Workforce Board and AJC

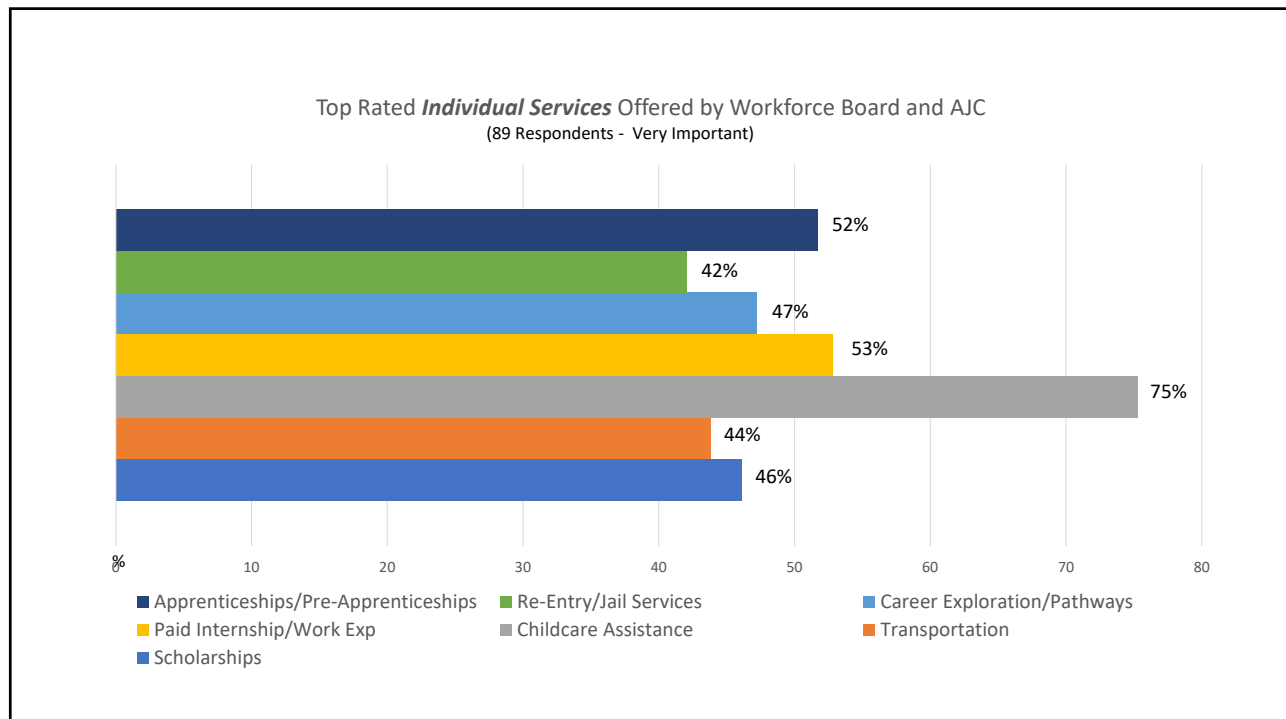
89 Respondents - Very Significant and Somewhat Significant



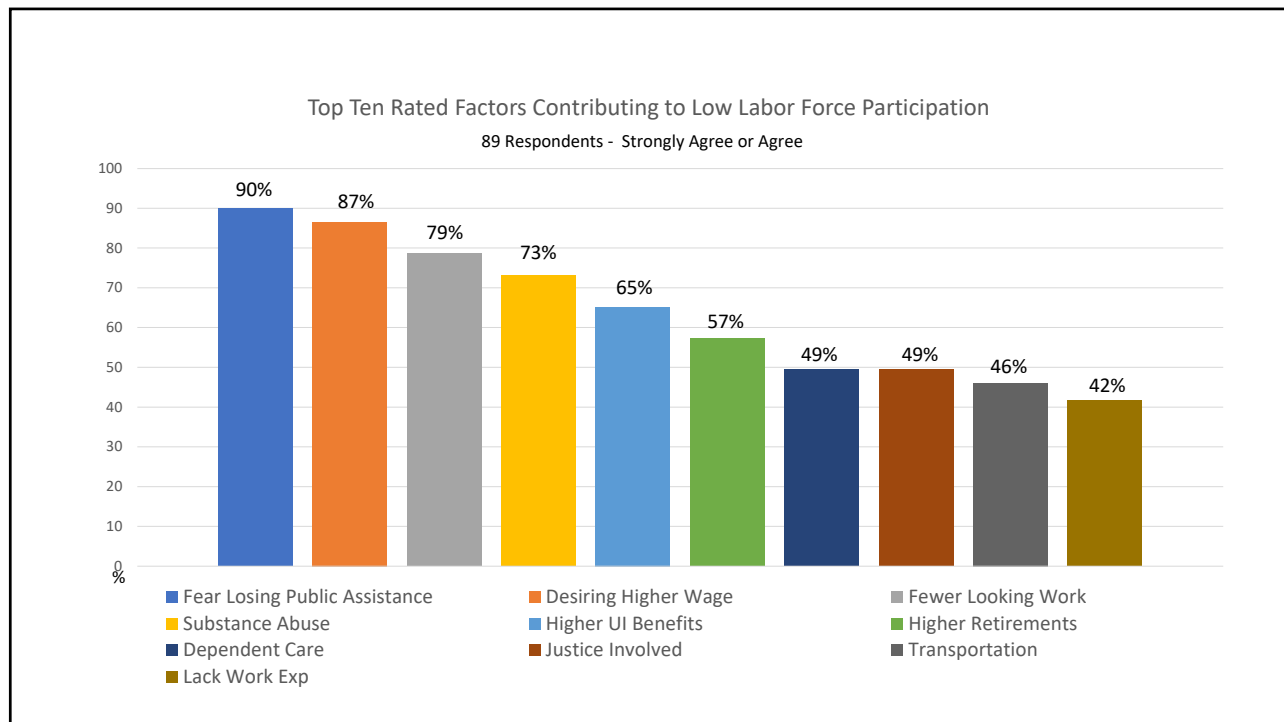
2



3



4



5

### Small Group Discussion (30 minutes)

- Solution-focused Discussions – How can we increase labor force participation?
  - Possible solutions
  - New/existing programs
  - New/existing services
  - Other?
- Identify Action Items – What is needed to implement solution?
  - Local policy changes
  - Shift in funding focus
  - Advocate for State policy changes
  - Apply for additional funds/new grants
  - Other?
- Identify Key Responsible Parties – Who is needed to implement solution?
  - Mayors, Board Members and Staff role
  - Who else should be involved?

### Takeaways and Action Items (30 Minutes)

- Each group provides a maximum 5- minute report out on possible solutions, action items, and key responsible parties
- Thoughts/Comments from Survey Response

### Next Steps - ??

6



## Summary of Thoughts/Comments on Efforts to Raise LFPR to 65%

### External – State/Federal

- Reduce public assistance benefits
- Raise Minimum Wage
- Stop early retirements

### Marketing AJC

- Partner with chambers, economic development, libraries, etc.
- Boards be allowed to spend funds on marketing & promotions.

### Youth – High School

- Offer more non-college career options & visit more business & industries
- Work Study - Students learn and want to keep working after graduation.
- Keep integrating STEM and tech programs and encouraging workforce
- Motivate young people to come to work, be on time and stay off cell phones.

### Childcare

- Easier access to in-home daycare
- Increased number of childcare centers, including 24/7 centers
- Lower cost of childcare
- Companies offer internal childcare as employee incentive

### Employers

- More collaboration on hiring issues.
- Hold employees accountable to promote good work environment.

“Wonderful Program. Hard Audience”

“Gibson County & Milan Chambers are extraordinary.”